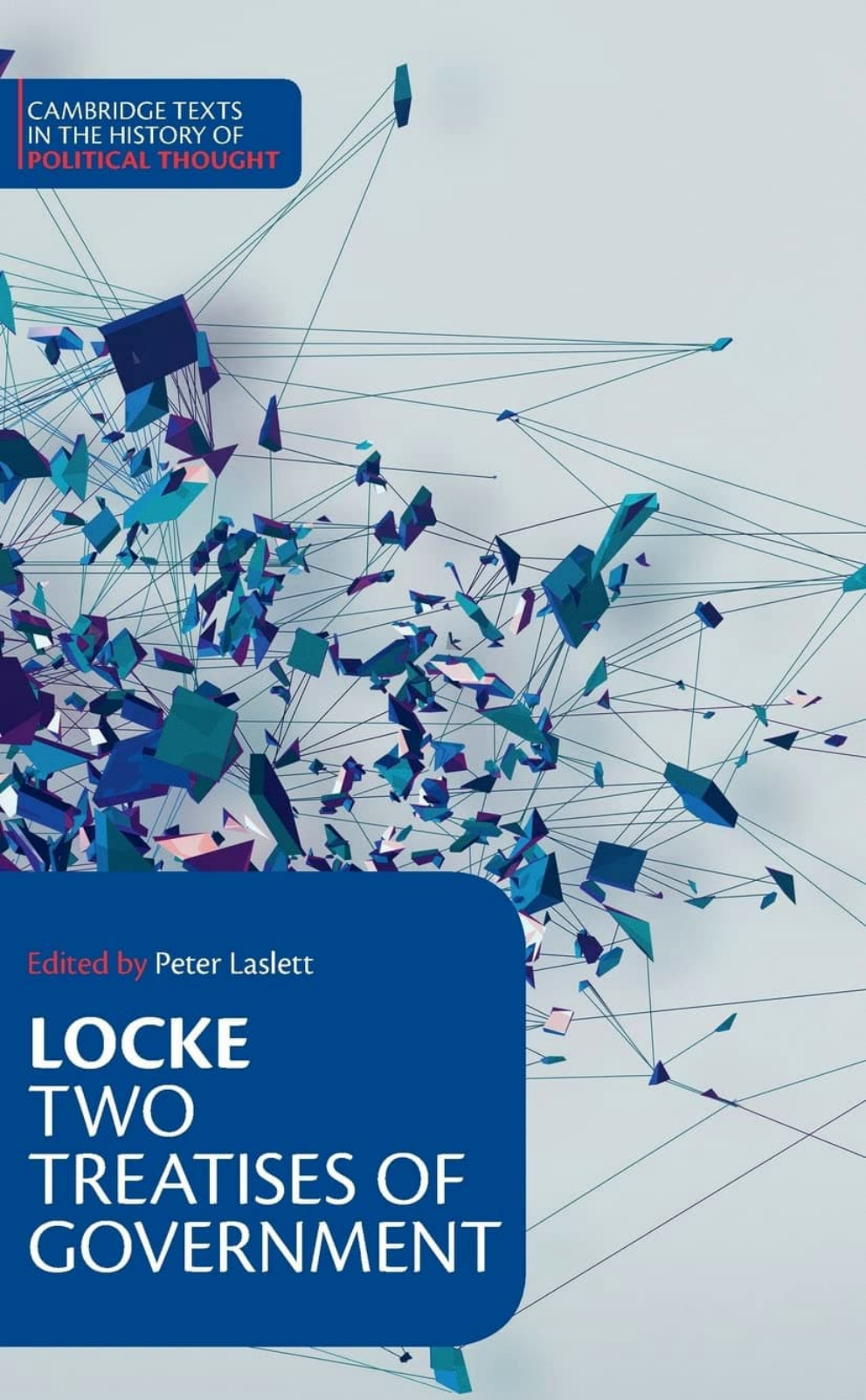
CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT



Edited by Peter Laslett

LOCKE
TWO TREATISES OF GOVERNMENT

JOHN LOCKE

Two Treatises of Government

EDITED WITH
AN INTRODUCTION
AND NOTES BY

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STUDENT EDITION

CAMBRIDGE
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TWO TREATISES OF Government:

In the Former,

The False Principles and Foundation

OF

Sir *Robert Filmer*,

And His FOLLOWERS,

ARE

Detected and Overthrown.

The Latter is an

ESSAY

CONCERNING

The True Original, Extent, and End

OF

Civil-Government.

LONDON: Printed for *Awnſham* and *John Churchill*, at the *Black Swan* in *Pater-Noſter-Row*. 1698.

An Englishman, a Lover of Liberty, Citizen of the World, is desirous of having the honor to deposite this Book in the Library of Christ College Cambridge.

To Dr Thomas
Master of Christ College Cambridge
April 20, 1764.

Letter of Thomas Hollis. The original is now pasted into the binding of the volume in Christ's College Library. It is typical of Hollis to describe himself in this way, without giving his name; see above, p. 11 and note *. He presented a copy of his edition printed from this text to William Pitt, the elder, on 26 May, and the British Museum on 8 June 1764. Hugh Thomas was Master of Christ's from 1764 to 1780.

Quod si nihil cum potentiore juris humani relinquitur inopi, at ego ad Deos vindices humanae superbiae confugiam: et precabor ut iras suas vertant in eos, quibus non suae res, non alienae satis sint quorum saevitiam non mors noxiorum exatiet: placari nequeant, nisi hauriendum sanguinem laniandaque viscera nostra praebuerimus. Liv. Lib. ix. c. i.

Note on title-page. This is reproduced from the Christ's copy, i.e. the 1698 printing. An additional phrase *Pax ac Libertas* appears on the title-page of Locke's copy of the first French printing, where it is written in his hand (see above, p. 13 and note). The above quotation from Livy is written on the fly-leaf facing the title in the Christ's volume, and appears (in a rather more accurate version) on the title of the 4th edition, 1713, and the 5th edition, 1728, but not elsewhere (see Loeb edition, IV, 164, showing considerable variation). Its general meaning is as follows: 'But if, in dealing with the mighty, the weak are left no human rights, yet will I seek protection in the gods, who visit retribution on human pride. And I will beseech them that they turn their anger against those who are not content with their own, or with that of others, who will not be sated with the death of the guilty. They are not to be placated unless we yield to them our blood to drink and our entrails to tear out.' The surprising ferociousness of these sentiments may well be another expression of Locke's savagery against despotism in general and against Charles II and James II in particular, compare note on II, § 172 and references.

The PREFACE.

Reader,

THOU *haſt here the Beginning and End of a Diſcourſe concerning Government; what Fate has otherwiſe diſpoſed of the Papers that ſhould have filled up the middle, and were more than all the reſt, 'tis not worth while to tell thee. These, which remain, I hope are ſufficient to eſtabliſh the Throne of our Great Reſtorer, Our preſent King* William; *to make good his Title, in the Conſent of the People, which being the only one of all lawful Governments, he has more fully and clearly than any Prince in* Chriſtendom: *And to juſtifie to the World, the People of* England, *whoſe love of their Juſt and Natural Rights, with their Reſolution to preſerve them, ſaved the Nation when it was on the very brink of Slavery and Ruine. If these Papers have that evidence, I flatter my ſelf is to be found in them, there will be no great miſs of those which are loſt, and my Reader may be ſatisfied without them. For I imagine I ſhall have neither the time, nor inclination to repeat my Pains, and fill up the wanting part of my Answer, by tracing Sir* Robert *again, through all the Windings and Obſcurities which are to be met with in the ſeveral Branches of his wonderful Syſtem. The King, and Body of the Nation, have ſince ſo thoroughly confuted his* Hypothesis, *that, I ſuppoſe, no Body hereafter will have either the Confidence to appear againſt our Common Safety, and be again an Advocate for Slavery; or the Weakneſs to be deceived with Contradictions dreſſed up in a Popular Stile, and well turned Periods. For if any one will be at the Pains himſelf, in those Parts which are here untouched, to ſtrip Sir* Robert's *Diſcourſes of the Flouriſh of doubtful Expreſſions, and endeavour to reduce his Words to direct, poſitive, intelligible Propoſitions, and then compare them one with another, he will quickly be ſatisfied there was never ſo much glib Nonſence*

The Preface. (Compare MS Locke c.18 written for Clarke; above, 46.n.) Presumably written in 1689, about the month of August, after the preparation of the text for the press, but before the revision of the titles—see notes on titles and Introduction, section III. From line 31, however, it resembles the Preface to Tyrrell's *Patriarcha non Monarcha*, 1681, so closely that the final passages may have been written earlier.

1 *Diſcourſe*—perhaps the original word for the book—see Introduction, 50, and II, § 15, 16; II, § 52, 2. Compare Olivecrona, 1976, a diametrically opposite interpretation.

5 *Great Reſtorer*—in a letter to Mordaunt dated 21 February 1689, refusing the King's offer of an ambassadorship, Locke called William 'our great deliverer'.

6 Compare I, § 95, 15 and note.

put together in well sounding English. *If he think it not worth while to examine his Works all through, let him make an Experiment in that part where he Treats of Usurpation; and let him try whether he can, with all his Skill, make Sir* Robert *intelligible, and consistent with himself, or common sense. I should not speak so plainly of a Gentleman, long since past answering, had not the Pulpit, of late Years, publickly owned his Doctrine, and made it the Currant Divinity of the Times. 'Tis necessary those Men, who taking on them to be Teachers, have so dangerously misled others, should be openly shewed of what Authority this their Patriarch is, whom they have so blindly followed, that so they may either retract what upon so ill Grounds they have vented, and cannot be maintained, or else justifie those Principles which they Preachd up for Gospel; though they had no better an Author than an* English *Courtier. For I should not have Writ against Sir* Robert, *or taken the pains to shew his mistakes, Inconsistencies, and want of (what he so much boasts of, and pretends wholly to build on) Scripture-proofs, were there not Men amongst us, who, by crying up his Books, and espousing his Doctrine, save me from the Reproach of Writing against a dead Adversary. They have been so zealous in this Point, that if I have done him any wrong; I cannot hope they should spare me. I wish, where they have done the Truth and the Publick wrong, they would be as ready to Redress it and allow its just Weight to this Reflection,* viz. *That, there cannot be done a greater Mischief to Prince and People, than the Propagating wrong Notions concerning Government, that so at last all times might not have reason to complain of the* Drum Ecclesiastick. *If any one, concerned really for Truth, undertake the Confutation of my* Hypothesis, *I promise him either to recant my mistake, upon fair Conviction; or to answer his Difficulties. But he must remember two Things;*

First, *That Cavilling here and there, at some Expression, or little incident of my Discourse, is not an answer to my Book.*

Secondly, *That I shall not take railing for Arguments, nor think*

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27 Compare I, §§ 20, 110, etc. and Tyrrell's reference to Filmer's 'gentile stile'. These compliments to Filmer as a stylist puzzle the modern reader; for though he has his merits as a phrasemaker, as a writer of continuous, controversial prose Filmer is no more attractive than any of his contemporaries.

32–3 Compare II, § 112, 8–12.

36–40 Modified and extended in 1698, and the reference to 'courtier' inserted. Filmer himself was never at court; see note on I § 5, 7–8.

44 Filmer had died in 1653; see note on Introduction 57 and reference, and compare Tyrrell's very similar apology.

51 *Drum Ecclesiastick*—the pulpit: Tyrrell talks of the 'wind blown theologue'.

either of these worth my notice: *Though I shall always look on my self as bound to give satisfaction to any one who shall appear to be conscienciously scrupulous in the point, and shall shew any just Grounds for his Scruples.* 60

I have nothing more, but to advertise the Reader, that A *stands for our Author.* O *for his Observations on* Hobbs, Milton, *&c. And that a bare Quotation of Pages always means Pages of his* Patriarcha. Edit. 1680.

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61–4 See Introduction, 58, for Locke's method of referring to Filmer. The words 'Edit. 1680' were added in 1698.

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The End of the Contents.

BOOK I.

CHAP. I.

§ 1. SLavery is so vile and miserable an Estate of Man, and so directly opposite to the generous Temper and Courage of our Nation; that 'tis hardly to be conceived, that an *Englishman*, much less a *Gentleman*, should plead for't. And truly, I should have taken Sr. Rt: Filmer's *Patriarcha* as any other Treatise, which would perswade all Men, that they are Slaves, and ought to be so, for such another exercise of Wit, as was his who writ the Encomium of *Nero*, rather than for a serious Discourse meant in earnest, had not the Gravity of the Title and Epistle, the Picture in the Front of the Book, and the Applause that followed it, required me to believe, that the Author and Publisher were both in earnest. I therefore took it into my hands with all the expectation, and read it through with all the attention due to a Treatise, that made such a noise at its coming abroad, and cannot but confess my self mightily surprised, that in a Book, which was to provide Chains for all Mankind, I should find nothing but a Rope of Sand, useful perhaps to such, whose Skill and Business it is to raise a Dust, and would blind the People, the better to mislead them, but in truth is not of any force to draw those into Bondage, who have their Eyes open, and so much Sense about them as to consider, that Chains are but an ill wearing, how much Care soever hath been taken to file and polish them.

§ 2. If any one think I take too much liberty in speaking so freely of a Man, who is the great Champion of absolute Power,

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§ 1 8 'the Encomium of *Nero*', *Encomium Neronis* by Jerome Cardan, 1546. Locke owned Cardan's *Opera*, Leyden, 1663 (H. and L. 587).

9 The title of Filmer's book was *Patriarcha: or the Natural Power of Kings*, and was prefixed by an epistle from his friend Peter Heylyn, the Royalist Divine. Van Hove's engraved portrait of Charles II was the frontispiece, marking the connection of its publication with the Royal Court. Compare 1, § 14, 5 and 1, § 129, 1, and on Heylyn see Laslett, 1948, 1949: on the publication of *Patriarcha*, and Locke's personal copy, see Introduction, 57 and note.

Locke is disingenuous in implying that this was his first encounter with Filmer's works, see Introduction, 34.

and the Idol of those who Worship it; I beseech him to make this small allowance for once, to one, who, even after the reading of Sir *Robert*'s Book, cannot but think himself, as the Laws allow him, a Freeman: And I know no fault it is to do so, unless any one better skill'd in the Fate of it, than I, should have it revealed to him, that this Treatise, which has lain dormant so long, was, when it appeared in the World, to carry by strength of its Arguments, all Liberty out of it; and that from thenceforth our Author's short Model was to be the Pattern in the Mount, and the perfect Standard of Politics for the future. His System lies in a little compass, 'tis no more but this,

That all Government is absolute Monarchy.

And the Ground he builds on, is this,

That no Man is Born free.

3. In this last age a generation of men has sprung up among us, who would flatter princes with an Opinion, that they have a Divine Right to absolute Power, let the Laws by which they are constituted, and are to govern, and the Conditions under which they enter upon their Authority, be what they will, and their Engagements to observe them never so well ratified by solemn Oaths and Promises. To make way for this doctrine they have denied Mankind a Right to natural Freedom, whereby they have not only, as much as in them lies, exposed all Subjects to the utmost Misery of Tyranny and Oppression, but have also unsettled the Titles, and shaken the Thrones of Princes: (For they too, by these Mens systeme, except only one, are all born Slaves, and by Divine Right, are Subjects to *Adam*'s right Heir); As if they had design'd to make War upon all Government, and subvert the very Foundations of Human Society, to serve their present turn.

4. However we must believe them upon their own bare Words, when they tell us, we are all born Slaves, and we must continue so; there is no remedy for it: Life and Thraldom we enter'd into together, and can never be quit of the one, till we part with the

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§ 2 8 *Patriarcha* was written *c.* 1637–8, not published till 1680: see Introduction, 57, and Laslett, 1949.

11 'Pattern in the Mount', Heb. viii. 5, itself a reference to God's Commandments on Sinai.

12–16 Filmer's system, summarized by him on p. 229 of Laslett's edition.

other. Scripture or Reason I am sure doe not any where say so notwithstanding the noise of divine right, as if Divine Authority hath subjected us to the unlimited Will of another. An admirable State of Mankind, and that which they have not had Wit enough to find out till this latter Age. For however Sir *Robert Filmer* seems to condemn the Novelty of the contrary Opinion, *Patr. p.* 3 [53]. yet I believe it will be hard for him to find any other Age or Country of the World, but this which has asserted Monarchy to be *Jure Divino*. And he confesses, *Patr. p.* 4 [54]. That *Heyward, Blackwood, Barclay, and others, that have bravely vindicated the Right of Kings in most Points*, never thought of this, *but with one Consent admitted the Natural Liberty and Equality of Mankind.*

5. By whom this Doctrine came at first to be broach'd, and brought in fashion amongst us, and what sad Effects it gave rise to, I leave to *Historians* to relate, or to the Memory of those who were Contemporaries with *Sibthorp* and *Manwering* to recollect. My business at present is only to consider what Sir R. *F.* who is allowed to have carried this Argument farthest, and is supposed to have brought it to perfection, has said in it; for from him every one, who would be as fashionable as *French* was at Court, has learned, and runs away with this short System of Politics, *viz.* *Men are not born free*, and *therefore could never have the liberty to choose either Governors, or Forms of Government. Princes have their Power Absolute, and by Divine Right, for Slaves could never have a Right to Compact or Consent. Adam was an absolute Monarch, and so are all Princes ever since.*

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§ 4 14 For these authors see *Patriarcha* (Laslett, 1949), p. 54, and compare I, § 67, 28–30. Barclay is quoted in II, §§ 232, 6; 235–9: Locke listed in 1681 Barclay's *De Potestate Papae* and his *De Regno et Regali Potestate*—see notes on II, §§ 232, 239.

§ 5 1 Paragraph number omitted in 1st edition, both states.

4 Refers to the famous sermons exalting the Royal Prerogative preached and published in 1627 by Robert Sybthorpe (*Of Apostolique Obedience*) and Roger Manwaring (*Religion and Allegiance*), see Allen, 1938, 176–80. They are also named by Sidney in somewhat the same way: 1772, 5.

7–8 Compare Preface 39 (added in 1698): Sir Robert Filmer's brother Edward was at the Court of Charles I and a francophile, a friend of Henrietta Maria's, and his son Edward was Gentleman of the Privy Chamber to Charles I and Charles II (see Laslett, 1948 (ii)), but he himself was never a courtier. In this sentence 'was' seems to have been changed from 'is' in 1689.

CHAP. II.

Of Paternal and Regal Power.

6. SIR R. F.'s great Position is, that *Men are not naturally free.* This is the Foundation on which his absolute Monarchy stands, and from which it erects it self to an height, that its Power is above every Power, *Caput inter nubila*, so high above all Earthly and Human Things, that Thought can scarce reach it; that Promises and Oaths, which tye the infinite Deity, cannot confine it. But if this Foundation fails, all his Fabric falls with it, and Governments must be left again to the old way of being made by contrivance, and the consent of Men ('Ανθρωπίνῃ κτίσις) making use of their Reason to unite together into Society. To prove this grand Position of his, he tells us, *p.* 12 [57]. *Men are born in subjection to their Parents*, and therefore cannot be free. And this Authority of Parents, he calls *Royal Authority*, p. 12, 14 [57, 58]. *Fatherly Authority, Right of Fatherhood*, p. 12, 20 [57, 61]. One would have thought he would in the beginning of such a Work as this, on which was to depend the Authority of Princes, and the Obedience of Subjects, have told us expressly what that Fatherly Authority is, have defined it, though not limited it, because in some other Treatises of his he tells us, 'tis Unlimited, and Unlimitable;* he should at least have given us such an account of it, that we might have had an entire Notion of this *Fatherhood*, or *Fatherly Authority*, whenever it came in our way in his Writings. This I expected to have found in the first Chapter of his *Patriarcha*. But instead thereof, having, 1. *En Passant*, Made his Obeysance

* *In Grants and Gifts that have their Original from God or Nature, as the Power of the Father hath, no inferior Power of Man can limit, nor make any Law of Prescription against them*, O. 158 [233].

The Scripture teaches, that supreme Power was Originally in the Father without any Limitation, O. 245 [234].

§ 6 4 *Caput inter nubila*—head in the clouds.

6 Compare II, § 195, 5–7.

8–10 1 Peter ii. 13, 'submit yourselves to every ordinance of men' (*ἀνθρωπίνῃ κτίσει*). Compare the second *Letter on Toleration* (*Works*, 1801, VI, 121).

11–23 Implying that Locke had dealt with the 'Other Treatises' when he decided to analyse *Patriarcha*, see above, p. 59, note † and references.

to the *Arcana Imperii*, p. 5 [54]. 2. Made his Compliment to the *Rights and Liberties of this, or any other Nation*, p. 6. [55] which he is going presently to null and destroy; And, 3. Made his Leg to those Learned Men, who did not see so far into the Matter as himself, *p.* 7 [55]. He comes to fall on *Bellarmine*, p. 8. [56] and, by a Victory over him, Establishes his *Fatherly Authority* beyond any question. *Bellarmine* being routed by his own Confession, *p.* 11. [57] the day is clear got, and there is no more need of any Forces: For having done that, I observe not that he states the Question, or rallies up any Arguments to make good his Opinion, but rather tells us the Story, as he thinks fit, of this strange kind of domineering Phantom, called the *Fatherhood*, which whoever could catch, presently got Empire, and unlimited absolute Power. He assures us how this *Fatherhood* began in *Adam*, continued its course, and kept the World in order all the time of the *Patriarchs* till the Flood, got out of the Ark with *Noah* and his Sons, made and supported all the Kings of the Earth till the Captivity of the *Israelites* in *Egypt*, and then the poor *Fatherhood* was under hatches, till *God by giving the Israelites Kings, Re-established the ancient and prime Right of the Lineal Succession in Paternal Government.* This is his business from *p.* 12. to 19 [57–60]. And then obviating an Objection, and clearing a Difficulty or two with one half Reason, *p.* 23. [62] *to confirm the Natural Right of Regal Power*, he ends the first Chapter. I hope 'tis no Injury to call an half Quotation an half Reason, for God says, *Honour thy Father and Mother*; but our Author contents himself with half, leaves out *thy Mother* quite, as little serviceable to his purpose. But of that more in another place.

7. I do not think our Author so little skill'd in the way of writing Discourses of this nature, nor so careless of the Point in hand, that he by oversight commits the fault that he himself, in his *Anarchy of a mix'd Monarchy*, p. 239. [280] objects to

29 Bellarmine. Filmer directed much of his argument against Cardinal Bellarmine's subordinating secular power to the papacy in his *De Potestate Summi Pontifici*, 1610—see Laslett, 1949; McIlwain, 1918.

43–4 Not a quotation, but a summary of *Patriarcha*, 57–8.

48 'first Chapter', i.e. paragraphs i–viii of *Patriarcha* in Laslett's edition, where there are no chapters since it reproduces Filmer's manuscript which lacks them.

51 'in another place'; see I, § 11, 31 note and references.

§7 4 Filmer's *Observations upon Mr Hunton's Treatise of Monarchy, or, the Anarchy of a Limited or Mixed Monarchy* (Laslett, 1949, 277–313). On Hunton's *Treatise of Monarchie* (1643) and Locke, see note on II, § 168, 1–2.

Mr. *Hunton* in these words: *Where first I charge the* A. *that he hath not given us any Definition, or Description of Monarchy in general; for by the Rules of Method, he should have first defin'd.* And by the like Rule of Method Sir *Robert* should have told us, what his *Fatherhood* or *Fatherly Authority* is, before he had told us, in whom it was to be found, and talked so much of it. But perhaps Sir *Robert* found, that this *Fatherly Authority*, this Power of Fathers, and of Kings, for he makes them both the same, *p.* 24. [63] would make a very odd and frightful Figure, and very disagreeing, with what either Children imagine of their Parents, or Subjects of their Kings, if he should have given us the whole Draught together in that Gigantic Form, he had painted it in his own Phancy: and therefore like a wary Physician, when he would have his Patient swallow some harsh or *Corrosive Liquor*, he mingles it with a large quantity of that, which may dilute it; that the scatter'd Parts may go down with less feeling, and cause less Aversion.

8. Let us then endeavour to find what account he gives us of this *Fatherly Authority*, as it lies scatter'd in the several Parts of his Writings. And first, as it was vested in *Adam*, he says, *Not only* Adam, *but the succeeding Patriarchs, had by Right of Fatherhood Royal Authority over their Children, p.* 12 [57]. *This Lordship which* Adam *by Command had over the whole World, and by Right descending from him the Patriarchs did enjoy, was as large and ample as the Absolute Dominion of any Monarch which hath been since the Creation*, p. 13 [58]. *Dominion of Life and Death, making War, and concluding Peace*, p. 13 [58]. Adam *and the Patriarchs had absolute Power of Life and Death*, p. 35 [76]. *Kings, in the Right of Parents, succeed to the Exercise of Supreme Jurisdiction*, p. 19 [61]. *As Kingly Power is by the Law of God, so it hath no Inferior Law to Limit it*, Adam *was Lord of all*, p. 40 [78]. *The Father of a Family governs by no other Law, than by his own Will*, p. 78 [96]. *The Superiority of Princes is above Laws*, p. 79 [96]. *The unlimited Jurisdiction of Kings is so amply described by* Samuel, p. 80 [96]. *Kings are above the Laws*, p. 93 [103]. And to this purpose, see a great deal more which our A—— delivers in

17–18 This has the professional touch of Locke the physician.

§ 8 7 '*Absolute*', 'absolutest' in original; these quotations are mainly accurate, though two passages are conflated.

19–22 Filmer's works are studded with quotations from Bodin's *République*. Locke does not seem to have possessed any of Bodin's works, though he shows acquaintance with him—compare note on 1, § 56, 3.

Bodin's words: *It is certain, that all Laws, Priviledges, and Grants of Princes, have no Force, but during their Life; if they be not ratified by the express Consent, or by Sufferance of the Prince following, especially Priviledges*, O. p. 279 [304]. *The reason why Laws have been also made by Kings, was this; When Kings were either busied with Wars, or distracted with public Cares, so that every private Man could not have Access to their Persons, to learn their Wills and Pleasure, then were Laws of Necessity invented, that so every particular Subject might find his prince's Pleasure decypher'd unto him in the Tables of his Laws*, p. 92 [102]. *In a Monarchy, the King must by necessity be above the Laws*, p. 100 [105]. *A perfect Kingdom is that, wherein the King rules all things according to his own Will*, p. 100 [105]. *Neither Common nor Statute Laws are, or can be, any Diminution of that General Power, which Kings have over their People by right of Fatherhood*, p. 115 [113]. Adam *was the Father, King, and Lord over his Family; a Son, a Subject, and a Servant or Slave, were one and the same thing at first. The Father had Power to dispose or sell his Children or Servants; whence we find, that at the first reckoning up of Goods in Scripture, the Man-servant, and the Maid-servant, are numbred among the Possessions and Substance of the Owner, as other Goods were*, O. Præf. [188]. *God also hath given to the Father a Right or Liberty, to alien his Power over his Children to any other; whence we find the Sale and Gift of Children to have been much in use in the Beginning of the World, when Men had their Servants for a Possession and an Inheritance, as well as other Goods, whereupon we find the Power of Castrating and making Eunuchs much in use in Old Times*, O. p. 155 [231]. *Law is nothing else but the Will of him that hath the Power of the Supream Father*, O. p. 223 [72]. *It was God's Ordinance that the Supremacy should be unlimited in* Adam, *and as large as all the Acts of his Will; and as in him, so in all others that have Supream Power*, O. p. 245 [284].

9. I have been fain to trouble my Reader with these several Quotations in our A——'s own Words, that in them might be seen his own Description of his *Fatherly Authority*, as it lies scatter'd up and down in his Writings, which he supposes was first vested in *Adam*, and by Right belongs to all Princes ever since. This *Fatherly Authority* then, or *Right of Fatherhood*, in our

30–2 Locke's only citation of a passage from Filmer having to do with the constitution, see Introduction 76.

38 'Praef.'—indicates the Preface to Filmer's 'Forms'.

A——'s sence is a Divine unalterable Right of Sovereignty, whereby a Father or a Prince hath an Absolute, Arbitrary, Unlimited, and Unlimitable Power, over the Lives, Liberties, and Estates of his Children and Subjects; so that he may take or alienate their Estates, sell, castrate, or use their Persons as he pleases, they being all his Slaves, and he Lord or Proprietor of every Thing, and his unbounded Will their Law.

10. Our A—— having placed such a mighty Power in *Adam*, and upon that supposition, founded all Government, and all Power of Princes, it is reasonable to expect, that he should have proved this with Arguments clear and evident, suitable to the weightiness of the Cause. That since Men had nothing else left them, they might in Slavery have such undeniable Proofs of its Necessity, that their Consciences might be convinced, and oblige them to submit peaceably to that Absolute Dominion, which their Governors had a Right to exercise over them. Without this, What Good could our A—— do, or pretend to do, by erecting such an unlimited Power, but flatter the Natural Vanity and Ambition of Men, too apt of it self to grow and encrease with the Possession of any Power? And by perswading those, who, by the consent of their Fellow-Men, are advanced to great, but limited degrees of it, that by that part which is given them, they have a Right to all, that was not so; and therefore may do what they please, because they have Authority to do more then others, and so tempt them to do what is neither for their own, nor the good of those under their Care, whereby great Mischiefs cannot but follow.

11. The Sovereignty of *Adam*, being that on which, as a sure Basis, our A—— builds his mighty Absolute Monarchy, I expected, that, in his *Patriarcha*, this his main Supposition would have been proved and established with all that Evidence of Arguments, that such a Fundamental Tenet required; and that this, on which the great stress of the Business depends, would have been made out with Reasons sufficient to justifie the Confidence with which it was assumed. But in all that Treatise, I could find very little tending that way; the Thing is there so taken for

§ 11 3, etc. References to *Patriarcha*—see Introduction, 59–61. Locke had found that Filmer did not demonstrate the sovereignty of Adam in his tracts, discussed in the *Second Treatise*, and he now finds that *Patriarcha* evades the issue.

granted without Proof, that I could scarce believe my self, when upon attentive reading that Treatise, I found there so mighty a Structure rais'd upon the bare supposition of this Foundation. For it is scarce credible, that in a Discourse where he pretends to confute the *Erroneous Principle* of Man's *Natural Freedom*, he should doe it by a bare supposition of *Adam*'s *Authority*, without offering any Proof for that Authority. Indeed he confidently says, that *Adam had Royal Authority*, p. 12 [56], and 13 [57]. *Absolute Lordship and Dominion of Life and Death*, p. 13 [58]. *An Universal Monarchy*, p. 33 [75]. *Absolute Power of Life and Death*, p. 35 [76]. He is very frequent in such Assertions, but what is strange in all his whole *Patriarcha*, I find not one Pretence of a Reason to establish this his great Foundation of Government; not any thing that looks like an Argument, but these words: *To confirm this Natural Right of Regal Power, we find in the Decalogue, that the Law which injoyns Obedience to Kings, is delivered in the Terms, Honour thy Father, as if all Power were Originally in the Father* [62]. And why may I not add as well, That in the *Decalogue*, the Law that enjoyns Obedience to Queens, is delivered in the Terms of *Honour thy Mother*, as if all Power were originally in the Mother? The Argument, as Sir *Robert* puts it, will hold as well for one as t'other. But of this, more in its due place.

12. All that I take notice of here, is, that this is all our A—— says in this first, or any of the following Chapters, to prove the *Absolute Power of Adam*, which is his great Principle; and yet, as if he had there settled it upon sure Demonstration, he begins his 2*d* Chapter with these words, *By conferring these Proofs and Reasons, drawn from the Authority of the Scripture* [63]. Where those *Proofs and Reasons* for *Adam*'s Sovereignty are, bating that of *Honour thy Father* above mentioned, I confess, I cannot find, unless what he says, *p.* 11 [57]. *In these words we have an evident Confession*, viz. *of Bellarmine, that Creation made Man Prince of his Posterity*, must be taken for Proofs and Reasons drawn from Scripture, or for any sort of Proof at all: though from thence by a new way of inference in the Words, immediately following, he concludes *the Royal Authority of Adam*, sufficiently settled in him.

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31 'in its due place'—compare 1, § 6, 51: see 1, § 52, 10–14, § 55, 8–19, § 60 on and 11, § 64 on.

§ 12 2, 5 'Chapters', '2*d* Chapter'—see note on 1, § 6, 48.

13. If he has in that Chapter, or any where in the whole Treatise, given any other Proofs of *Adam's Royal Authority*, other than by often repeating it, which, among some Men, goes for Argument, I desire any body for him to shew me the Place and Page, that I may be convinced of my mistake, and acknowledge my oversight. If no such Arguments are to be found, I beseech those Men, who have so much cryed up this Book, to consider whether they do not give the World cause to suspect, that it's not the Force of Reason and Argument, that makes them for Absolute Monarchy, but some other by Interest, and therefore are resolved to applaud any Author, that writes in favour of this Doctrine, whether he support it with Reason or no. But I hope they do not expect that rational and indifferent Men should be brought over to their Opinion, because this their great Dr. of it, in a Discourse made on purpose, to set up the *Absolute Monarchical Power of Adam*, in opposition to the *Natural Freedom* of Mankind, has said so little to prove it, from whence it is rather naturally to be concluded, that there is little to be said.

14. But, that I might omit no care to inform my self in our A——'s full Sense, I consulted his *Observations on Aristotle, Hobs, &c.* to see whether in disputing with others he made use of any Arguments, for this his darling Tenet of *Adam's Sovereignty*, since in his Treatise of the *Natural Power of Kings*, he hath been so sparing of them. In his Observations on Mr. *Hob's Leviathan*, I think he has put, in short, all those Arguments for it together, which in his Writings I find him any where to make use of; his Words are these. *If God Created only* Adam, *and of a piece of him made the Woman, and if by Generation from them two, as parts of them all Mankind be propagated: If also God gave to* Adam *not only the Dominion over the Woman and the Children that should Issue from them, but also over the whole Earth to subdue it, and over all the Creatures on it, so that as long as* Adam *lived, no Man could claim or enjoy any thing but by Donation, Assignation, or Permission from him, I wonder,* &c. O. 165 [241]. Here we have the Sum of all his Arguments, for *Adam's Sovereignty*, and against *Natural Freedom*, which I find

§ 14 2 '*Observations*...'—a collective reference to Filmer's works other than *Patriarcha* and the *Freeholder*; that is, Laslett's edition, 185–326. This phrase might be used against the view of the purpose and order of writing of the *Two Treatises* adopted here; compare note on 1, § 11, 3 and reference.

5 '*Natural Power of Kings*'—sub-title of *Patriarcha*.

up and down in his other Treatises; and they are these following; *God's Creation* of *Adam*, the *Dominion* he gave him *over Eve:* And the *Dominion* he had as *Father over his Children*, all which I shall particularly consider.

CHAP. III.

Of Adam's *Title to Sovereignty by Creation.*

15. SIR *Robert* in his Preface to his Observations on *Aristotle's* Politicks, tells us, *A Natural Freedom of Mankind cannot be supposed without the denial of the Creation of* Adam [188]: But how *Adam's* being Created, which was nothing but his receiving a Being immediately from Omnipotency, and the hand of God, gave *Adam* a *Sovereignty* over any thing, I cannot see, nor consequently understand, how a *Supposition of Natural Freedom is a denial of* Adam's *Creation*, and would be glad any body else (since our A—— did not vouchsafe us the favour) would make it out for him. For I find no difficulty to suppose the *Freedom of Mankind*, though I have always believed the *Creation of Adam*; He was Created, or began to exist, by God's immediate Power, without the Intervention of Parents or the pre-existence of any of the same Species to beget him, when it pleased God he should; and so did the Lion, the King of Beasts before him, by the same Creating Power of God: and if bare existence by that Power, and in that way, will give Dominion, without any more ado, our A——, by this Argument, will make the Lion have as good a Title to it as he, and certainly the Ancienter. No! for *Adam* had his Title *by the Appointment of God*, says our A—— in another place [289]. Then bare *Creation* gave him not Dominion, and one might have *supposed Mankind Free* without *denying the Creation of Adam* since 'twas God's *Appointment* made him Monarch.

16. But let us see, how he puts his *Creation* and this *Appointment* together. *By the Appointment of God*, says Sir *Robert*, *as soon as*

§ 14 20–1 Locke deals with these three points in chapters 3, 5 and 6 of this treatise.

Adam *was Created he was Monarch of the World, though he had no Subjects, for though there could not be actual Government till there were Subjects, yet by the Right of Nature it was due to* Adam *to be Governor of his Posterity: though not in act, yet at least in habit,* Adam *was a King from his Creation* [289]. I wish he had told us here what he meant *by God's Appointment.* For whatsoever Providence orders, or the Law of Nature directs, or positive Revelation declares, may be said to be *by God's Appointment,* but I suppose it cannot be meant here in the first Sense, *i.e.* by Providence; because that would be to say no more, but that *as soon as Adam was Created* he was *de facto* Monarch, because *by Right of Nature it was due to* Adam, *to be Governor of his Posterity.* But he could not *de facto* be by Providence Constituted the Governor of the World at a time, when there was actually no Government, no Subjects to be governed, which our *A*—— here confesses. *Monarch of the world* is also differently used by our Author, for sometimes he means by it a Proprietor of all the World exclusive of the rest of Mankind, and thus he does in the same page of his Preface before cited, *Adam,* says he, *being Commanded to Multiply and People the Earth and to subdue it, and having Dominion given him over all Creatures, was thereby the Monarch of the whole World, none of his Posterity had any Right to possess any thing but by his Grant or Permission, or by Succession from him* [187–8].

2. Let us understand then by *Monarch* Proprietor *of the World,* and by *Appointment* God's actual Donation, and revealed positive Grant made to *Adam,* 1 Gen. 28. as we see Sir *Robert* himself does in this parallel place, and then his Argument will stand thus, *by the positive Grant of God; As soon as* Adam was *Created, he was Proprietor of the World, because by the Right of Nature it was due to Adam to be Governor of his Posterity.* In which way of arguing there are two manifest Falshoods. *First,* It is false that God made that Grant to *Adam,* as soon as he was Created, since though it stands in the Text immediately after his Creation, yet it is plain it could not be spoken to *Adam* till after *Eve* was made and brought to him, and how then could he be *Monarch by Appointment as soon as Created,* especially since he calls, if I mistake not, that which

§ 16 25 '2.'—presumably indicates the second part of the argument of this paragraph, although there is no '1.'

34 Compare 1, § 29, 11–12. Tyrrell makes exactly this point in *Patriarcha non Monarcha,* 1681, 101 (second pagination).

37 'if I mistake not'—Hunton, not Filmer, used this text for this purpose, though the phrase quoted in line 38 occurs on p. 283 of Filmer.

God says to *Eve*, 3 *Gen.* 16: *The original Grant of Government*, which not being till after the Fall, when *Adam* was somewhat, at least in time, and very much, distant in condition from his *Creation*, I cannot see, how our *A*—— can say in this Sense, that *by God's Appointment, as soon as* Adam *was Created he was Monarch of the World. Secondly*, Were it true that God's actual Donation *appointed* Adam *Monarch of the World as soon as he was Created*, yet the Reason here given for it would not prove it, but it would always be a false Inference, that God, by a positive Donation *appointed* Adam *Monarch of the World, because by Right of Nature it was due to* Adam *to be Governor of his Posterity*: for having given him the Right of Government by Nature, there was no need of a positive Donation, at least it will never be a proof of such a Donation.

17. On the other side the Matter will not be much mended, if we understand by *God's appointment* the Law of Nature, (though it be a pretty harsh Expression for it in this place) and by *Monarch of the World*, Sovereign Ruler of Mankind; for then the Sentence under Consideration must run thus: *By the Law of Nature, as soon as* Adam *was Created he was Governor of Mankind, for by Right of Nature it was due to* Adam *to be Governor of his Posterity*, which amounts to this, He was *Governor by Right of Nature*, because he was *Governor by Right of Nature*. But supposing we should grant, that a Man is *by Nature Governor* of his Children, *Adam* could not hereby *be Monarch as soon as Created*; for this Right of Nature being founded in his being their Father, how *Adam* could have a *Natural Right* to be *Governor* before he was a Father, when by being a father only he had that *Right*, is, methinks, hard to conceive, unless he will have him to be a Father before he was a Father, and to have a Title before he had it.

18. To this foreseen Objection, our A—— answers very Logically, *He was Governor in Habit, and not in Act*; A very pretty way of being a Governour without Government, a Father without Children, and a King without Subjects. And thus Sir *Robert* was

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§§ 18–20 These paragraphs are typical of the least attractive features of Locke on Filmer: he has the grace to apologize. Some parts of this passage, especially in paragraph 20, are reminiscent of the *Preface*, and may have been written in 1689. In the 1st edition § 19 is almost incomprehensible because of errors in the printing, corrected by Locke in his copy.

an Author before he writ his Book, not *in Act* 'tis true, but *in Habit*, for when he had once Publish'd it, it was due to him *by the Right of Nature*, to be an Author, as much as it was *to Adam to be Governor of his Children* when he had begot them; And if to be such a *Monarch of the World*, an absolute Monarch *in Habit*, *but not in Act*, will serve the turn, I should not much envy it to any of Sir *Robert*'s Friends that he thought fit graciously to bestow it upon, tho' even this of *Act* and *Habit*, if it signified any thing but our A——'s skill in distinctions, be not to his purpose in this place. For the Question is not here about *Adam*'s actual Exercise of Government, but actually having a Title to be Governor: Government, says our A——, was *due to* Adam *by the Right of Nature*. What is this Right of Nature? A Right Fathers have over their Children by begetting them; *Generatione jus acquiritur parentibus in liberos*, says our A—— out of *Grotius*, O. 223 [71]. The Right then follows the begetting as arising from it, so that according to this way of reasoning or distinguishing of our A——, *Adam*, as soon as he was Created, had a Title *only in Habit, and not in Act*, which in plain *English* is, He had actually no Title at all.

19. To speak less Learnedly, and more Intelligibly, one may say of *Adam*, he was in a possibility of being *Governor*, since it was possible he might beget Children, and thereby acquire that Right of Nature, be it what it will, to Govern them, that accrues from thence, but what Connection has this with *Adam's Creation*, to make him say, That *as soon as he was Created, he was Monarch of the World?* For it may be as well said of *Noah*, that as soon as he was born, he was Monarch of the World, since he was in possibility (which in our A——'s Sense is enough to make a Monarch, *a Monarch in Habit*,) to outlive all Mankind but his own Posterity. What such necessary Connection there is betwixt *Adam's Creation* and his *Right to Government*, so that a *Natural Freedom of Mankind cannot be supposed without the denial of the Creation of* Adam, I confess for my part I do not see; Nor how those words, *by the Appointment, &c.* O. 254. [289] how ever explain'd, can be put together to make any tolerable Sense, at least to establish this Position, with which they end, *viz. Adam was a King from his Creation*; A King, says our A——, *not in Act, but in Habit, i.e.* actually no King at all.

20. I fear I have tired my Reader's Patience, by dwelling longer on this Passage than the weightiness of any Argument in it, seems to require: but I have unavoidably been engaged in it by our A——'s way of writing, who hudling several Suppositions together, and that in doubtful and general terms makes such a medly and confusion, that it is impossible to shew his Mistakes, without examining the several Senses, wherein his Words may be taken, and without seeing how, in any of these various Meanings, they will consist together, and have any Truth in them; for in this present Passage before us, how can any one argue against this Position of his, that *Adam was a King from his Creation*, unless one examine, whether the Words, *from his Creation*, be to be taken, as they may, for the time of the Commencement of his Government, as the foregoing words import, *as soon as he was Created he was Monarch*, or, for the cause of it, as he says, p. 11 [57]. *Creation made Man Prince of his Posterity?* How farther can one judge of the truth of his being thus King, till one has examined whether King be to be taken, as the words in the beginning of this Passage would perswade, on supposition of his *Private Dominion*, which was by God's positive Grant, *Monarch of the World by Appointment*; or *King* on supposition of his *Fatherly Power* over his Off-spring which was by Nature, *due by the Right of Nature*, whether, I say, King be to be taken in both, or one only of these two Senses, or in neither of them, but only this, that Creation made him Prince, in a way different from both the other? For though this assertion, that *Adam was King from his Creation*, be true in no Sense, yet it stands here as an evident Conclusion drawn from the preceding words, though in truth it be but a bare assertion joyn'd to other assertions of the same kind, which confidently put together in words of undetermined and dubious meaning, look like a sort of arguing, when there is indeed neither Proof nor Connection: A way very familiar with our A——, of which having given the Reader a taste here, I shall, as much as the Argument will permit me, avoid touching on hereafter, and should not have done it here, were it not to let the World see, how Incoherencies in Matter, and Suppositions without Proofs put handsomly together in good Words and a plausible Style, are apt to pass for strong Reason and good Sense, till they come to be look'd into with Attention.

CHAP. IV.

Of Adam's *Title to Sovereignty by Donation*, Gen. 1. 28.

21. HAving at last got through the foregoing Passage, where we have been so long detain'd, not by the Force of Arguments and Opposition, but the Intricacy of the Words, and the Doubtfulness of the Meaning; Let us go on to his next Argument, for *Adam*'s Sovereignty. Our A—— tells us in the Words of Mr. *Selden*, that *Adam by Donation from God*, Gen. 1. 28. *was made the General Lord of all Things, not without such a private Dominion to himself, as without his Grant did exclude his Children. This Determination of Mr.* Selden, says our A——, *is consonant to the History of the Bible, and natural Reason*, O. 210 [63, 64]. And in his Pref. to his Obs: on *Arist.* he says thus; *The first Government in the World was Monarchical in the Father of all Flesh*, Adam *being commanded to Multiply and People the Earth, and to subdue it, and having Dominion given him over all Creatures, was thereby the Monarch of the whole World, none of his Posterity had any Right to possess any thing, but by his Grant or Permission, or by Succession from him; The Earth, saith the Psalmist, hath he given to the Children of Men, which shews the Title comes from Fatherhood* [187, 188].

22. Before I examine this Argument, and the Text on which it is founded, it is necessary to desire the Reader to observe, that our A——, according to his usual Method, begins in one Sense, and concludes in another; he begins here with *Adam*'s propriety, or *Private Dominion, by Donation*; and his conclusion is, *which shews the Title comes from Fatherhood.*

23. But let us see the Argument. The words of the Text are these; *And God Blessed them, and God said unto them, be Fruitful and Multiply and Replenish the Earth and subdue it, and have Dominion over the Fish of the Sea, and over the Fowl of the Air, and over every living thing that moveth upon the Earth*, 1 Gen. 28. From whence our

§ 21 6 'Selden'—on Filmer and Selden see Laslett, 1949. Filmer's quotations come from *Mare Clausum*, translated by M. Nedham, 1635, not owned by Locke, though he had several of the other works of Selden.

A—— concludes, *that Adam, having here Dominion given him over all Creatures, was thereby the Monarch of the whole World.* Whereby must be meant, that either this Grant of God gave *Adam* Property, or as our A—— calls it, *Private Dominion* over the Earth, and all inferior or irrational Creatures, and so consequently that he was thereby *Monarch*; or 2°, that it gave him Rule and Dominion over all Earthly Creatures whatsoever, and thereby over his Children, and so he was *Monarch:* for, as Mr. *Selden* has properly worded it, *Adam was made General Lord of all Things*, one may very clearly understand him, that he means nothing to be granted to *Adam* here but Property, and therefore he says not one word of *Adam's Monarchy*. But our A—— says, *Adam was hereby Monarch of the World*, which properly speaking, signifies Sovereign Ruler of all the Men in the World, and so *Adam*, by this Grant, must be constituted such a Ruler. If our A—— means otherwise, he might, with much more clearness have said, that *Adam was hereby Proprietor of the whole World.* But he begs your Pardon in that point, clear distinct Speaking not serving every where to his purpose, you must not expect it in him, as in Mr. *Selden*, or other such Writers.

24. In opposition therefore to our A——'s Doctrine, that *Adam was Monarch of the whole World*, founded on this Place, I shall shew.

1°. That by this Grant, 1 *Gen.* 28. God gave no immediate Power to *Adam* over Men, over his Children, over those of his own Species, and so he was not made Ruler, or *Monarch* by this Charter.

2°. That by this Grant God gave him not *Private Dominion* over the Inferior Creatures, but right in common with all Mankind; so neither was he *Monarch*, upon the account of the Property here given him.

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§ 23 13 For Selden's wording, see *Mare Clausum*, translated by Nedham, 1635, 20: Locke does not seem to have gone back to the original. Tyrrell uses very similar arguments against Filmer, 1681, 98–116 (second pagination).

22–5 The clearest connection of this polemic against Filmer with Locke's philosophical writing is this insistence on fixed definitions and distinct terms. Compare the *Essay*, III, ix, 10 (1894, II, 110), referring to writers of their own opinions: 'if they do not use their words with a due clearness and perspicuity, we may lay them aside, and without any injury done them, resolve thus with ourselves, *Si non vis intelligi, debes negligi*'. Compare I, § 108, I, § 109; II, § 52 and for Locke's own neglect of definition in this very work, see Introduction, p. 84.

25. 1. That this Donation, 1 *Gen.* 28. gave *Adam* no power over Men, will appear if we consider the words of it. For since all Positive Grants convey no more than the express words they are made in will carry, let us see which of them here will comprehend Mankind, or *Adam's* Posterity; and those, I imagin, if any, must be these, *every living thing that moveth*, the words in *Hebrew* are, חיה הרמשת *i.e. Bestiam Reptantem*, of which words the Scripture it self is the best interpreter. God having Created the Fishes and Fowles the 5*th* day, the beginning of the 6*th*, he creates the Irrational Inhabitants of the dry Land, which, *v.* 24. are described in these words, *let the Earth bring forth the living Creature after his kind*; *Cattle and creeping things, and beasts of the Earth, after his kind, and* v.2. *and God made the Beasts of the Earth after his kind, and Cattle after their kind, and every thing that creepeth on the Earth after his kind*; Here in the Creation of the brute Inhabitants of the Earth, he first speaks of them all under one General Name, of *Living Creatures*, and then afterwards divides them into three ranks, 1. *Cattle*, or such Creatures as were or might be tame, and so be the Private possession of Particular Men; 2. חיה which *ver.* 24 and 25 in our Bible, is Translated Beasts, and by the *Septuagint* θηρία, *Wild beasts*, and is the same word, that here in our Text, *ver.* 28. where we have this great Charter to *Adam*, is Translated *Living thing*, and is also the same Word used, *Gen.* 9. 2. where this Grant is renewed to *Noah*, and there likewise Translated *Beast*, 3. The third Rank were the Creeping Animals, which *ver.* 24 and 25 are comprised under the word, הרמשת, the same that is used here *ver.* 28. and is Translated *moving*, but in the former Verses *Creeping*, and by the *Septuagint* in all these places, ἑρπετὰ, or Reptils; from whence it appears that the words which we Translate here in God's Donation, *ver.* 28. *Living Creatures moving*, are the same which in the History of the Creation, *ver.* 24, 25. signify two Ranks of terrestrial Creatures, *viz.* *Wild Beasts* and *Reptils*, and are so understood by the *Septuagint*.

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§ 25 Mr D. W. Thomas, Regius Professor of Hebrew in the University of Cambridge, states that Locke's Hebrew as displayed here and in paragraphs 26 and 27 is adequate to his purpose. But it adds very little to the argument. It is printed correctly in the 1st edition only. For a detailed examination, see Pareyson's Italian critical edition, 1948.

1 '1'—the '2' is on line 1 of paragraph 29.

26. When God had made the Irrational Animals of the World, divided into three kinds, from the places of their Habitation, *viz*. *Fishes of the Sea*, *Fowls of the Air*, and *Living Creatures of the Earth*, and these again into *Cattle*, *Wild Beasts*, and *Reptils*, he considers of making Man, and the Dominion he should have over the Terrestrial World, *ver.* 26. and then he reckons up the Inhabitants of these three Kingdoms, but in the Terrestrial, leaves out the second Rank חיה, or wild Beasts: But here, *ver.* 28. where he actually executes this design, and gives him this Dominion, the Text mentions *the Fishes of the Sea, and Fowls of the Air*, and the *Terrestrial Creatures* in the words, that signifie the *Wild Beasts* and *Reptils*, though Translated *Living thing that moveth*, leaving out Cattle. In both which places, though the Word that signifies *Wild Beasts* be omitted in one, and that which signifies *Cattle* in the other, yet, since God certainly executed in one place, what he declares he designed in the other, we cannot but understand the same in both places, and have here only an account, how the Terrestrial irrational Animals, which were already created and reckon'd up at their Creation, in three distinct Ranks *of Cattle*, *Wild Beasts*, and *Reptils* were here, *ver.* 28. actually put under the Dominion of Man, as they were designed *ver.* 26. nor do these words contain in them the least appearance of any thing, that can be wrested, to signifie God's giving to one Man Dominion over another, *Adam* over his Posterity.

27. And this further appears from *Gen.* 9. 2. where God renewing this Charter to *Noah* and his Sons, he gives them Dominion over *the Fowls of the Air*, and *the Fishes of the Sea*, and *the Terrestrial Creatures*, expressed by חיה and הרמש Wild Beasts and Reptils, the same words that in the Text before us 1 *Gen.* 28. are Translated *every moving thing, that moveth upon the Earth*, which by no means can comprehend Man, the Grant being made to *Noah* and his Sons, all the Men then living, and not to one part of Men over another: Which is yet more evident from the very next words *ver.* 3. where God gives every רמש, *every moving thing*, the very words used *Ch.* 1. 28. to them for Food. By all which it is plain, that God's Donation to *Adam*, *Ch.* 1. 28. and his designation, *v.* 26. and his Grant again to *Noah* and his Sons, refer to, and contain in them, neither more nor less, than the Works of the Creation the *5th* day, and the Beginning of the *6th*, as they are

set down from the *20th*, to the *26th ver.* inclusively of the *1ſt Chap.* and so comprehend all the Species of irrational Animals of the *Terraqueous Globe*, though all the words whereby they are expressed in the Hiſtory of their Creation, are no where used in any of the following Grants, but some of them omitted in one, and some in another. From whence I think it is paſt all doubt, that Man cannot be comprehended in this Grant, nor any Dominion over those of his own Species be convey'd to *Adam*. All the Terreſtrial irrational Creatures are enumerated at their Creation, *ver.* 25. under the Names, *Beaſts of the Earth, Cattle and creeping things*, but Man being not then Created, was not contained under any of those Names, and therefore, whether we underſtand the *Hebrew* words right or no, they cannot be supposed to comprehend Man in the very same Hiſtory, and the very next Verses following, especially since that *Hebrew* word אדם which if any in this Donation to *Adam*, *Ch.* 1. 28. muſt comprehend Man, is so plainly used in contradiſtinction to him, as *Gen.* 6. 20; 7. 14. 21. 23; *Gen.* 8. 17, 19. And if God made all Mankind slaves to *Adam* and his Heirs, by giving *Adam* Dominion over *every living thing that moveth on the Earth*, *Chap.* 1. 28. as our *A*—— would have it, methinks Sir *Robert* should have carried his Monarchical Power one ſtep higher, and satisfied the World, that Princes might eat their Subjects too, since God gave as full Power to *Noah* and his Heirs, *Chap.* 9. 2. to eat *every Living thing that moveth*, as he did to *Adam* to have Dominion over them, the *Hebrew* words in both places being the same.

28. *David*, who might be supposed to underſtand the Donation of God in this Text, and the Right of Kings too, as well as our *A*——, in his Comment on this place, as the Learned and Judicious *Ainsworth* calls it, in the *8th Psalm*, finds here no such Charter of Monarchical Power, his words are, *Thou haſt made him, i.e.* Man the Son of Man, *a little lower than the Angels, thou mad'ſt him to have Dominion over the works of thy hands, thou haſt put all things under his Feet, all Sheep and Oxen and the Beaſts of the Field, and the Fowl of the Air, and Fiſh of the Sea, and whatsoever passeth*

§ 28 4 '*Ainsworth*'—see Henry Ainsworth, *Annotations upon the Five Books of Moses, the books of the Psalmes* ... 1622 (1639). Locke bought this book at Cooper's auction in December 1681: it was an edition of a collection of commentaries originally published separately. On Gen. i. 28, Ainsworth says 'For this state of Man ... David laudeth the Lord in Psal. 8'.

through the paths of the Sea. In which words, if any one can find out that there is meant any Monarchical Power of one Man over another, but only the Dominion of the whole Species of Mankind, over the inferior Species of Creatures, he may, for ought I know, deserve to be one of Sir *Robert's Monarchs in habit*, for the rareness of the discovery. And by this time, I hope it is evident, that he that gave *Dominion over every Living thing that moveth on the Earth*, gave *Adam* no Monarchical Power over those of his own Species, which will yet appear more fully in the next thing I am to shew.

29. 2. Whatever God gave by the words of this Grant, 1 *Gen.* 28. it was not to *Adam* in particular, exclusive of all other Men: whatever *Dominion* he had thereby, it was not a *Private Dominion*, but a Dominion in common with the rest of Mankind. That this Donation was not made in particular to *Adam*, appears evidently from the words of the Text, it being made to more than one, for it was spoken in the Plural Number, God blessed *them*, and said unto *them*, Have Dominion. God says unto *Adam* and *Eve*, Have Dominion; *thereby*, says our *A.*, *Adam was Monarch of the World:* But the Grant being to them, *i.e.* spoke to *Eve* also, as many Interpreters think with reason, that these words were not spoken till *Adam* had his Wife, must not she thereby be Lady, as well as he Lord of the World? If it be said that *Eve* was subjected to *Adam*, it seems she was not so subjected to him, as to hinder her *Dominion* over the Creatures, or *Property* in them: for shall we say that God ever made a joint Grant to two, and one only was to have the benefit of it?

30. But perhaps 'twill be said, *Eve* was not made till afterward: Grant it so, What advantage will our *A.* get by it? The Text will be only the more directly against him, and shew that God in this Donation, gave the World to Mankind in common, and not to *Adam* in particular. The word *Them* in the Text must include the Species of Man, for 'tis certain *Them* can by no means signifie *Adam* alone. In the 26*th* Verse, where God declares his intention to give this Dominion, it is plain he meant, that he would make a Species of Creatures, that should have Dominion over the other Species of this Terrestrial Globe: The words are, *And God said, Let us make Man in our Image, after our likeness, and let them have*

§ 29 1 '2.'—refers back to '1' on line 1 of paragraph 25.
12 Compare 1, § 16, 34.

Dominion over the Fish, &c. *They* then were to have Dominion. Who? even those who were to have the *Image* of God, the Individuals of that Species of *Man* that he was going to make, for that *Them* should signifie *Adam* singly, exclusive of the reſt, that should be in the World with him, is againſt both Scripture and all Reason: And it cannot possibly be made Sense, if *Man* in the former part of the *Verse* do not signifie the same with *Them* in the latter, only *Man* there, as is usual, is taken for the Species, and *them* the individuals of that Species: and we have a Reason in the very Text. God makes him *in his own Image after his own Likeness*, makes him an intellectual Creature, and so capable of *Dominion*. For wherein soever else the *Image of God* conſiſted, the intellectual Nature was certainly a part of it, and belong'd to the whole Species, and enabled them to have *Dominion* over the inferiour Creatures; and therefore *David* says in the 8*th Psalm* above cited, *Thou haſt made him little lower than the Angels, thou haſt made him to have Dominion*. 'Tis not of *Adam* King *David* speaks here, for *Verse* 4. 'tis plain, 'tis of *Man, and the Son of Man*, of the Species of Mankind.

31. And that this Grant spoken to *Adam* was made to him, and the whole Species of Man, is clear from our *A*'s own Proof out of the *Pſalmiſt*. *The Earth*, saith the Pſalmiſt, *hath he given to the Children of Men*; *which shews the Title comes from Fatherhood:* These are Sir *Robert*'s words in the Preface before cited, and a ſtrange Inference it is he makes, *God hath given the Earth to the Children of Men*, ergo *the Title comes from Fatherhood*. 'Tis pity the Propriety of the *Hebrew* Tongue had not used *Fathers of Men* inſtead of *Children of Men*, to express Mankind: then indeed our *A*. might have had the countenance of the sound of the words, to have placed the *Title* in the *Fatherhood*. But to conclude, that the *Fatherhood* had the Right to the Earth, because God gave it *to the Children of Men*, is a way of arguing peculiar to our *A*. And a Man muſt have a great mind to go contrary to the Sound as well as Sense of the Words, before he could light on it. But the Sense is yet harder, and more remote from our *A*'s purpose:

§ 30 17–20 Pareyson comments that Locke is right and the patriarchalists wrong here, because in Hebrew, which the Authorized Version follows very closely, and in English a singular can be a collective.

26 'above cited'—1, § 28, 5–10.

§ 31 5 'Preface...'—the Preface to Filmer's 'Forms', last cited 1, § 21, 10.

For as it ſtands in his Preface [187–188], it is to prove *Adam*'s being Monarch, and his reasoning is thus, *God gave the Earth to the Children of Men*, ergo *Adam was Monarch of the World.* I defie any Man to make a more pleaſant Conclusion than this, which cannot be excused from the moſt obvious Absurdity, till it can be shewn, that by *Children of Men*, he who had no Father, *Adam*, alone is signified; but whatever our *A.* does, the Scripture speaks not Nonsense.

32. To maintain this *Property and Private Dominion of* Adam, our *A.* labours in the following Page [64] to deſtroy the Community granted to *Noah* and his Sons, in that parallel place, 9 *Gen.* 1, 2, 3. and he endeavours to do it two ways.

1°. Sir *Robert* would perswade us againſt the express words of the Scripture, that what was here granted to *Noah*, was not granted to his Sons in common with him. His words are; *As for the general Community between* Noah *and his Sons, which Mr.* Selden *will have to be granted to them*, 9. Gen. 2. *the Text doth not warrant it* [64]. What *Warrant* our *A.* would have, when the plain express words of Scripture, not capable of another meaning, will not satisfie him, who pretends to build wholly on Scripture, is not easie to imagine. The Text says, *God blessed* Noah *and his Sons, and said unto them*, i.e. as our *A.* would have it, *unto him: For*, saith he, *although the Sons are there mentioned with* Noah *in the Blessing, yet it may beſt be underſtood, with a Subordination or Benediction in Succession*, O. 211 [64]. That indeed is *beſt*, for our *A.* to be underſtood, which beſt serves to his purpose, but that truly *may beſt be underſtood* by any body else, which beſt agrees with the plain conſtruction of the words, and arises from the obvious meaning of the place, and then *with Subordination* and *in Succession*, will not *be beſt underſtood*, in a Grant of God, where he himself put them not, nor mentions any such Limitation. But yet, our *A.* has reasons, why it *may beſt be underſtood so. The Blessing*, says he in the following words, *might truly be fulfilled, if the Sons either under or after their Father, enjoy'd a private Dominion*, O. 211. [64] which is to say, that a Grant, whose express words give a joynt Title in present (for the Text says, into your hands they are delivered) *may beſt be underſtood with a Subordination* or in *Succession:* because 'tis possible, that in *Subordination*, or *Succession* it may be enjoy'd. Which is all one as to say, that a Grant of any thing in present

possession, *may beſt be underſtood* of reversion: because 'tis possible one may live to enjoy it in reversion. If the Grant be indeed to a Father, and to his Sons after him, who is so kind as to let his Children enjoy it presently in common with him, one may truly say, as to the event one will be as good as the other: but it can never be true, that what the express words grant in possession, and in common, *may beſt be underſtood*, to be in reversion. The sum of all his reasoning amounts to this: God did not give to the Sons of *Noah* the World in common with their Father, because 'twas possible they might enjoy it under, or after him. A very good sort of Argument, againſt an express Text of Scripture: but God muſt not be believed, though he speaks it himself, when he says he does any thing, which will not conſiſt with Sir *Robert*'s Hypothesis.

33. For 'tis plain, however he would exclude them, That part of this *Benediction*, as he would have it in *Succession*, muſt needs be meant to the Sons, and not to *Noah* himself at all. *Be Fruitful, and Multiply, and Replenish the Earth*, says God, in this Blessing. This part of the Benediction, as appears by the sequel, concerned not *Noah* himself at all: for we read not of any Children he had after the Flood, and in the following Chapter, where his Poſterity is reckon'd up, there is no mention of any, and so this *Benediction in Succession*, was not to take place till 350 Years after, and to save our *A*'s imaginary *Monarchy*, the Peopling of the World muſt be deferr'd 350 Years; for this part of the *Benediction* cannot be underſtood with *Subordination*, unless our *A*. will say, that they muſt ask leave of their Father *Noah* to lie with their Wives. But in this one point our *A*. is conſtant to himself in all his Discourses, he takes great care there should be Monarchs in the World, but very little that there should be People: and indeed his way of Government is not the way to People the World. For how much Absolute Monarchy helps to fulfil this great and primary Blessing of God Almighty, *Be fruitful, and multiply, and replenish the Earth*, which contains in it the improvement too of Arts and Sciences,

§ 33 7 'following Chapter'—Gen. x.

9 and 11 '350 Years'—the time Noah lived after the Flood.

13–27 The point about absolute monarchy and depopulation is taken up again in I, § 41, and in II, § 42, 21–8—an addition made in the late 1690's. This passage may itself be an addition of 1689. Increase of population was an important aim of policy for Locke, insisted upon in his economic writings.

and the conveniences of Life, may be seen in those large and rich Countries, which are happy under the *Turkish* Government, where are not now to be found $\frac{1}{3}$, nay in many, if not most parts of them $\frac{1}{30}$, perhaps I might say not $\frac{1}{100}$ of the People, that were formerly, as will easily appear to any one, who will compare the Accounts we have of it at this time, with Antient History. But this by the by.

34. The other Parts of this *Benediction* or Grant are so expressed, that they must needs be understood to belong to *Noah* and his Sons, to them as much as to him, and not to his Sons *with a subordination or in Succession. The fear of you, and the dread of you,* says God, *shall be upon every Beast*, &c. Will any Body but our *A.* say, that the Creatures feared and stood in awe of *Noah* only, and not of his Sons without his leave, or till after his death? And the following words, *into your hands they are delivered*, are they to be understood as our *A.* says, if your Father please, or they shall be deliver'd into your hands hereafter. If this be to argue from Scripture, I know not what may not be proved by it, and I can scarce see how much this differs from that *Fiction and Phansie*, or how much a surer Foundation it will prove than the opinions of *Philosophers and Poets*, which our *A.* so much condemns in his Preface.

35. But our *A*—— goes on to prove, that *it may best be understood with a Subordination or a Benediction in Succession*, for, says he, *it is not probable, that the private Dominion which God gave to* Adam, *and by his Donation, Assignation or Cession to his Children, was Abrogated, and a Community of all things instituted between* Noah *and his Sons.* —— Noah *was left the sole Heir of the World, why should it be thought that God would disinherit him of his Birthright, and make him of all Men in the World the only Tenant in Common with his Children*, O. 211 [64].

36. The Prejudices of our own ill grounded Opinions, however by us called *Probable*, cannot Authorize us to understand Scripture contrary to the direct and plain meaning of the Words.

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§ 34 12–14 In his Preface to the *Forms*, Filmer says (188) 'there never was any such thing as an independent multitude, who at first had a natural right to a community: this is but a fiction, or fancy of too many in these days, who please themselves in running after the opinions of philosophers and poets'. See I, § 154.

I grant, 'tis not probable that *Adams private Dominion was* here *Abrogated*; because it is more than improbable (for it will never be proved) that ever *Adam* had any such *Private Dominion:* And since parallel places of Scripture are most probable to make us know, how they *may be best understood*, there needs but the comparing this Blessing here to *Noah* and his Sons after the Flood, with that to *Adam* after the Creation, 1 *Gen.* 28. to assure any one that God gave *Adam* no such *Private Dominion.* 'Tis *Probable*, I confess, that *Noah* should have the same Title, the same Property and Dominion after the Flood, that *Adam* had before it. But since *Private Dominion* cannot consist with the Blessing and Grant God gave to him and his Sons in Common, 'tis a sufficient Reason to conclude that *Adam* had none, especially since in the Donation made to him, there is no words that express it, or do in the least favour it; And then let my Reader judge whether *it may best be understood*, when in the one place there is not one word for it, not to say, what has been above proved, that the Text it self proves the contrary, and in the other, the Words and Sense are directly against it.

37. But our *A.* says, *Noah was the sole Heir of the World, why should it be thought that God would disinherit him of his Birth-right? Heir*, indeed, in *England*, signifies the Eldest Son, who is by the Law of *England* to have all his Fathers Land, but where God ever appointed any such *Heir of the World*, our *A.* would have done well to have shewed us, and how *God disinherited him of his Birth-right*, or what harm was done him if God gave his Sons a Right to make use of a part of the Earth for the support of themselves and Families, when the whole was not only more then *Noah* himself, but infinitely more than they all could make use of, and the Possessions of one could not at all Prejudice, or as to any use streighten that of the other.

38. Our *A.* probably foreseeing he might not be very successful in persuading People out of their Senses, and, say what he could, Men would be apt to believe the plain words of Scripture, and think, as they saw, that the Grant was spoken to *Noah* and his Sons jointly. He endeavours to insinuate, as if this Grant to *Noah*, conveyed no Property, no Dominion; because, *Subduing the Earth and Dominion over the Creatures are therein omitted, nor the Earth once named.* And therefore, says he, *there is a considerable*

difference between these two Texts, the first Blessing gave Adam *a Dominion over the Earth and all Creatures, the latter allows* Noah *Liberty to use the Living Creatures for Food, here is no alteration or diminishing of his Title, to a Property of all Things, but an Enlargement only of his Commons*, O. 211 [64]. So that in our *A*'s Sense, all that was said here to *Noah* and his Sons, gave them no Dominion, no Property, but only *Enlarged* the *Commons*; Their *Commons*, I should say since, God says, *to you are they given*, though our *A*. says *his*, for as for *Noah*'s Sons, they it seems by Sir *Robert*'s appointment during their Fathers Life time, were to keep Fasting days.

39. Any one but our *A*. would be mightily suspected, to be blinded with Prejudice, that in all this Blessing to *Noah* and his Sons, could see nothing but *only* an Enlargement of Commons. For as to *Dominion* which our *A*. thinks omitted, *the fear of you, and the dread of you*, says God, *shall be upon every Beast*, which I suppose, expresses the *Dominion*, or Superiority was designed Man over the living Creatures, as fully as may be, for in that fear and dread, seems chiefly to consist what was given to *Adam*, over the inferiour Animals; who as absolute a Monarch as he was, could not make bold with a Lark or a Rabbet to satisfie his hunger, and had the Herbs but in common with the Beasts, as is plain from 1 *Gen*. 29. and 30. In the next place, 'tis manifest that in this Blessing to *Noah* and his Sons, Property is not only given in clear words, but in a larger extent than it was to *Adam*. *Into your hands they are given*, says God, to *Noah* and his Sons, which Words, if they give not Property, nay, Property in Possession, 'twill be hard to find Words that can, since there is not a way to express a Man's being possessed of any thing more Natural, nor more certain, than to say, *it is delivered into his Hands*. And, *Verse* 3*d*, to shew, that they had then given them the utmost Property Man is capable of, which is to have a right to destroy any thing by using it; *Every moving thing that Liveth*, saith God, *shall be Meat for you*, which was not allowed to *Adam* in his Charter. This our *A*. calls, *a Liberty of using them for Food, and only an Enlargement of Commons*, but *no alteration of Property*, O. 211 [64]. What other Property Man can have in the Creatures, but the *Liberty of using them*, is hard to be understood: So that, if the first Blessing, as our *A*. says, gave *Adam Dominion over the Creatures*, and the Blessing to *Noah* and his Sons, gave them *such a Liberty*

to use them, as *Adam* had not; it must needs give them something that *Adam* with all his Soveraignty wanted, something that one would be apt to take for a greater Property; for certainly he has no absolute Dominion over even the Brutal Part of the Creatures, and the Property he has in them is very narrow and scanty, who cannot make that use of them, which is permitted to another. Should any one, who is Absolute Lord of a Country, have bidden our *A. Subdue the Earth*, and given him Dominion over the Creatures in it, but not have permitted him to have taken a Kid or a Lamb out of the Flock, to satisfie his hunger, I guess he would scarce have thought himself Lord or Proprietor of that Land, or the Cattel on it: But would have found the difference between *having Dominion*, which a Shepherd may have, and having full Property as an Owner. So that, had it been his own *Case*, Sir *Robert* I believe, would have thought here was an *Alteration*, nay, an enlarging of *Property*, and that *Noah* and his Children had by this Grant, not only Property given them, but such a property given them in the Creatures, as *Adam* had not; for however, in respect of one another, Men may be allowed to have propriety in their distinct Portions of the Creatures; yet in respect of God the Maker of Heaven and Earth, who is sole Lord and Proprietor of the whole World, Mans Propriety in the Creatures is nothing but that *Liberty to use them*, which God has permitted, and so Man's property may be altered and enlarged, as we see it was here, after the Flood, when other uses of them are allowed, which before were not. From all which I suppose, it is clear, that neither *Adam* nor *Noah*, had any *Private Dominion*, any Property in the Creatures, exclusive of his Posterity, as they should successively grow up into need of them, and come to be able to make use of them.

40. Thus we have Examined our *A*'s Argument for *Adam*'s *Monarchy*, founded on the Blessing pronounced, 1 *Gen.* 28. Wherein I think 'tis impossible for any sober Reader, to find any other but the setting of Mankind above the other kinds of Creatures, in this habitable Earth of ours. 'Tis nothing but the giving to Man, the whole Species of Man, as the chief Inhabitant, who is the Image of his Maker, the Dominion over the other Creatures. This lies so obvious in the plain words, that any one but our *A*. would have thought it necessary to have shewn, how these

words that seem'd to say the quite contrary, gave *Adam Monarchical Absolute Power* over other Men, or the *Sole Property* in all the Creatures, and methinks in a business of this moment, and that whereon he Builds all that follows, he should have done something more than barely cite words which apparently make against him; for I confess, I cannot see any thing in them, tending to *Adam*'s *Monarchy*, or *Private Dominion*, but quite the contrary. And I the less deplore the dulness of my apprehension herein, since I find the Apostle seems to have as little notion of any such *Private Dominion of Adam* as I, when he says, God *gives us all things richly to enjoy*, which he could not do, if it were all given away already, to Monarch *Adam*, and the Monarchs his Heirs and Successors. To conclude, this Text is so far from proving *Adam* Sole Proprietor, that on the contrary, it is a Confirmation of the Original Community of all things amongst the Sons of Men, which appearing from this Donation of God, as well as other places of Scripture; the Soveraignty of *Adam*, built upon his *Private Dominion*, must fall, not having any Foundation to support it.

41. But yet, if after all, any one will needs have it so, that by this Donation of God, *Adam* was made sole Proprietor of the whole Earth, what will this be to his Soveraignty? And how will it appear, that *Property* in Land gives a Man Power over the Life of another? Or how will the Possession even of the whole Earth, give any one a Soveraign Arbitrary Authority over the Persons of Men? The most specious thing to be said, is, that he that is Proprietor of the whole World, may deny all the rest of Mankind Food, and so at his pleasure starve them, if they will not acknowledge his Soveraignty, and Obey his Will. If this were true, it would be a good Argument to prove, that there was never any such *Property*, that God never gave any such *Private Dominion*; since it is more reasonable to think, that God who bid Mankind increase and multiply, should rather himself give them all a Right, to make use of the Food and Rayment, and other Conveniencies of Life, the Materials whereof he had so plentifully provided for them; than to make them depend upon the Will of a Man

§ 40 14 'apparently'—means 'obviously' here.

19–20 'God, who giveth richly all things to enjoy', I Tim. vi. 17, also quoted in II, § 31, 6. Locke nowhere cites biblical texts *proving* original communism.

for their Subsistence, who should have Power to destroy them all when he pleased, and who being no better then other Men, was in Succession likelier by want and the dependance of a scanty Fortune, to tye them to hard Service, than by liberal Allowance of the Conveniencies of Life, to promote the great Design of God, *Increase* and *Multiply*: He that doubts this, let him look into the Absolute Monarchies of the World, and see what becomes of the Conveniencies of Life, and the Multitudes of People.

42. But we know God hath not left one Man so to the Mercy of another, that he may starve him if he please: God the Lord and Father of all, has given no one of his Children such a Property, in his peculiar Portion of the things of this World, but that he has given his needy Brother a Right to the Surplusage of his Goods; so that it cannot justly be denyed him, when his pressing Wants call for it. And therefore no Man could ever have a just Power over the Life of another, by Right of property in Land or Possessions; since 'twould always be a Sin in any Man of Estate, to let his Brother perish for want of affording him Relief out of his Plenty. As *Justice* gives every Man a Title to the product of his honest Industry, and the fair Acquisitions of his Ancestors descended to him; so *Charity* gives every Man a Title to so much out of another's Plenty, as will keep him from extream want, where he has no means to subsist otherwise; and a Man can no more justly make use of another's necessity, to force him to become his Vassal, by with-holding that Relief, God requires him to afford to the wants of his Brother, than he that has more strength can seize upon a weaker, master him to his Obedience, and with a Dagger at his Throat offer him Death or Slavery.

43. Should any one make so perverse an use of God's Blessings poured on him with a liberal Hand; should any one be Cruel and Uncharitable to that extremity, yet all this would not prove that Propriety in Land, even in this Case, gave any Authority over the Persons of Men, but only that Compact might; since the

§41 23–5 Compare I, § 33, 13–27, note and references: this may be an addition of 1689. Paragraphs 41–3 mark an important limitation on men's rights in property, see Introduction, 100–1, and compare Polin, 1960, 195 on.

§ 42 5 Locke may here have in mind the injunction in Luke xi. 41.

11–15 On Justice and Charity, see II, § 5. This passage hints at the labour theory of property, stated at length in *Second Treatise*, ch. V, paragraph 27 on: 'honest industry' is mentioned in II, § 42, 26.

Authority of the Rich Proprietor, and the Subjection of the Needy Beggar began not from the Possession of the Lord, but the Consent of the poor Man, who preferr'd being his Subject to Starving. And the Man he thus submits to, can pretend to no more Power over him, than he has consented to, upon Compact. Upon this Ground a Man's having his Stores filled in a time of Scarcity, having Money in his Pocket, being in a Vessel at Sea, being able to Swim, *&c.* may as well be the Foundation of Rule and Dominion, as being Possessor of all the Land in the World, any of these being sufficient to enable me to save a Mans Life who would perish if such Assistance were denied him; and any thing by this Rule that may be an occasion of working upon anothers necessity, to save his Life, or any thing dear to him, at the rate of his Freedom, may be made a Foundation of Sovereignty, as well as Property. From all which it is clear, that tho' God should have given *Adam Private Dominion*, yet that *Private Dominion* could give him no *Sovereignty*; But we have already sufficiently proved, that God gave him no *Private Dominion.*

CHAP. V.

Of Adam's *Title to Sovereignty by the Subjection of* Eve.

44. THE next place of Scripture we find our *A.* Builds his Monarchy of *Adam* on, is 3. *Gen.* 16. *And thy desire shall be to thy Husband, and he shall rule over thee. Here we have* (says he) *the Original Grant of Government*, from whence he concludes, in the following part of the Page *O.* 244 [283]. *That the Supream Power is settled in the Fatherhood, and limited to one kind of Government, that is to Monarchy:* For let his premises be what they will, this is always the conclusion, let *Rule* in any Text, be but once named, and presently *Absolute Monarchy* is by Divine Right Establish'd. If any one will but carefully Read our *A*'s own reasoning from these Words, *O.* 244. [283] and consider among other things,

§ 44 5–7 Quotation not quite literal: Locke has turned up this page of his Filmer.

the Line and Posterity of Adam, as he there brings them in, he will find some difficulty, to make Sense of what he says; but we will allow this at present, to his peculiar way of Writing, and consider the Force of the Text in hand. The Words are the Curse of God upon the Woman, for having been the first and forwardest in the Disobedience, and if we will consider the occasion of what God says here to our first Parents, that he was Denouncing Judgment, and declaring his Wrath against them both, for their Disobedience, we cannot suppose that this was the time, wherein God was granting *Adam* Prerogatives and Priviledges, investing him with Dignity and Authority, Elevating him to Dominion and Monarchy: For though as a helper in the Temptation, as well as a Partner in the Transgression, *Eve* was laid below him, and so he had accidentally a Superiority over her, for her greater Punishment, yet he too had his share in the fall, as well as the sin, and was laid lower, as may be seen in the following Verses, and 'twould be hard to imagine, that God, in the same Breath, should make him Universal *Monarch* over all Mankind, and a day labourer for his Life; turn him out of P*aradice*, *to till the Ground*, *ver.* 23. and at the same time, advance him to a Throne, and all the Priviledges and Ease of Absolute Power.

45. This was not a time, when *Adam* could expect any Favours, any grant of Priviledges, from his offended Maker. If this be *the Original Grant of Government*, as our *A*—— tells us, and *Adam* was now made Monarch, whatever Sir *Robert* would have him, 'tis plain, God made him but a very poor Monarch, such an one, as our *A*—— himself would have counted it no great Priviledge to be. God sets him to work for his living, and seems rather to give him a Spade into his hand, to subdue the Earth, than a Scepter to Rule over its Inhabitants. *In the Sweat of thy Face thou shalt eat thy Bread*, says God to him, *ver.* 19. This was unavoidable, may it perhaps be answered, because he was yet without Subjects, and had no body to work for him, but afterwards living as he did above 900 Years, he might have People enough, whom he might command, to work for him; no, says God, not only whilst thou art without other help, save thy Wife, but as long as thou livest, shalt thou live by thy Labour. *In the Sweat of thy Face, shalt thou eat thy Bread, till thou return unto the Ground, for out of it wast thou taken, for dust thou art, and unto dust shalt thou return*, *v.* 19.

It will perhaps be answered again, in Favour of our *A*——, that these words are not spoken Personally to *Adam*, but in him, as their Representative, to all Mankind, this being a Curse upon Mankind, because of the fall.

46. God, I believe, speaks differently from Men, because he speaks with more Truth, more Certainty: but when he vouchsafes to speak to Men, I do not think, he speaks differently from them, in crossing the Rules of language in use amongst them. This would not be to condescend to their Capacities, when he humbles himself to speak to them, but to lose his design in speaking, what thus spoken, they could not understand. And yet thus must we think of God, if the Interpretations of Scripture, necessary to maintain our *A*——s Doctrine, must be received for good. For by the ordinary Rules of Language, it will be very hard to understand, what God says; If what he speaks here, in the Singular Number to *Adam*, must be understood to be spoken to all Mankind, and what he says in the Plural Number, 1 *Gen.* 26. and 28. must be understood of *Adam* alone, exclusive of all others, and what he says to *Noah* and his Sons Joyntly, must be understood to be meant to *Noah* alone, *Gen.* 9.

47. Farther it is to be noted, that these words here of 3 *Gen.* 16. which our *A.* calls *the Original Grant of Government* were not spoken to *Adam*, neither indeed was there any Grant in them made to *Adam*, but a Punishment laid upon *Eve:* and if we will take them as they were directed in particular to her, or in her, as their representative to all other Women, they will at most concern the Female Sex only, and import no more but that Subjection they should ordinarily be in to their Husbands: But there is here no more Law to oblige a Woman to such a Subjection, if the Circumstances either of her Condition or Contract with her Husband should exempt her from it, then there is, that she should bring forth her Children in Sorrow and Pain, if there could be found a Remedy for it, which is also a part of the same Curse upon her: for the whole Verse runs thus, *Unto the Woman he said, I will greatly multiply thy sorrow and thy conception; In sorrow thou shalt bring forth Children, and thy desire shall be to thy Husband, and he shall rule over thee.* 'Twould, I think, have been a hard matter for any Body, but our *A.* to have found out a Grant of *Monarchical Government*

to Adam in these Words, which were neither spoke to, nor of him: neither will any one, I suppose, by these Words, think the weaker Sex, as by a Law so subjected to the Curse contained in them, that 'tis their duty not to endeavour to avoid it. And will any one say, that *Eve*, or any other Woman, sinn'd, if she were brought to Bed without those multiplied Pains God threatens her here with? Or that either of our Queens *Mary* or *Elizabeth*, had they Married any of their Subjects, had been by this Text put into a Political Subjection to him? or that he thereby should have had *Monarchical Rule* over her? God, in this Text, gives not, that I see, any Authority to *Adam* over *Eve*, or to Men over their Wives, but only foretels what should be the Womans Lot, how by his Providence he would order it so, that she should be subject to her husband, as we see that generally the Laws of Mankind and customs of Nations have ordered it so; and there is, I grant, a Foundation in Nature for it.

48. Thus when God says of *Jacob* and *Esau*, That *the Elder should serve the Younger*, 25 *Gen.* 23. no body supposes that God hereby made *Jacob Esau*'s Sovereign, but foretold what should *de facto* come to pass.

But if these words here spoke to *Eve* must needs be understood as a Law to bind her and all other Women to Subjection, it can be no other Subjection than what every Wife owes her Husband, and then if this be the *Original Grant of Government* and the *Foundation of Monarchical Power*, there will be as many Monarchs as there are Husbands. If therefore these words give any Power to *Adam*, it can be only a Conjugal Power, not Political, the Power that every Husband hath to order the things of private Concernment in his Family, as Proprietor of the Goods and Land there, and to have his Will take place before that of his wife in all things of their common Concernment; but not a Political Power of Life and Death over her, much less over any body else.

49. This I am sure: If our *A.* will have this Text to be a *Grant, the Original Grant of Government*, Political Government, he ought

§ 47 25 Mary and Elizabeth Tudor are clearly meant, and it seems unlikely that Locke would have written like this after April 1689, when Mary Stuart was crowned joint sovereign with William III: compare references to James II, II, § 133, 10; II, § 200, 3, and Introduction, 54. Locke's attitude towards the curse on women in childbearing is typical of his progressive, humanitarian rationalism.

to have proved it by some better Arguments than by barely saying, That *thy desire shall be unto thy Husband*, was a Law whereby *Eve* and *all that should come of her*, were subjected to the absolute Monarchical Power of *Adam* and his Heirs. *Thy desire shall be to thy Husband*, is too doubtful an expression, of whose signification Interpreters are not agreed, to build so confidently on, and in a Matter of such moment, and so great and general Concernment: But our *A.* according to his way of Writing, having once named the Text, concludes presently without any more ado, that the meaning is, as he would have it. Let the words *Rule* and *Subject* be but found in the Text or Margent, and it immediately signifies the Duty of a Subject to his Prince, the Relation is changed, and though God says *Husband*, Sir *Robert* will have it *King*; *Adam* has presently *Absolute Monarchical Power* over *Eve*, and not only over *Eve*, but *all that should come of her*, though the Scripture says not a word of it, nor our *A.* a word to prove it. But *Adam* must for all that be an Absolute Monarch, and so down to the end of the Chapter. And here I leave my Reader to consider, whether my bare saying, without offering any Reasons to evince it, that this Text gave not *Adam* that *Absolute Monarchical Power*, our *A.* supposes, be not as sufficient to destroy that Power, as his bare Assertion is to Establish it, since the Text mentions neither *Prince* nor *People*, speaks nothing of *Absolute* or *Monarchical Power*, but the Subjection of *Eve* to *Adam*, a Wife to her Husband. And he that would trace our *A.* so all through, would make a short and sufficient answer to the greatest part of the Grounds he proceeds on, and abundantly confute them by barely denying; It being a sufficient answer to Assertions without Proof, to deny them without giving a Reason. And therefore should I have said nothing but barely deny'd that by this Text *the Supreme Power was setled and founded by God himself, in the Fatherhood, Limited to Monarchy, and that to* Adam's *Person and Heirs*, all which our *A.* notably concludes from these words, as may be seen in the same Page, *O.* 244. [283] it had been a sufficient answer; should I have desired any sober Man only to have read the Text, and considered to whom, and on what occasion it was spoken, he would no doubt

§ 49 13 'Margent'— presumably refers to the margins of the Authorized Version, with its references and sub-headings; compare 1, § 66, 19–20 and note.

19–20 'down to the end of the Chapter', that is the first chapter of *Patriarcha*; see note on 1, § 6, 48. It ends in the middle of section VII (p. 63).

have wondered how our *A.* found out *Monarchical absolute Power* in it, had he not had an exceeding good Faculty to find it himself, where he could not shew it others. And thus we have examined the two places of Scripture, all that I remember our *A.* brings to prove *Adam*'s *Sovereignty*, that *Supremacy*, which he says, *it was Gods Ordinance should be unlimited in* Adam, *and as large as all the Acts of his Will*, O. 245. [284] viz. 1 *Gen.* 28. and 3. *Gen.* 16. one whereof signifies only the Subjection of the Inferior Ranks of Creatures to Mankind, and the other the Subjection that is due from a Wife to her Husband, both far enough from that which Subjects owe the Governours of Political Societies.

CHAP. VI.

Of Adam*'s Title to Sovereignty by Fatherhood.*

50. THere is one thing more, and then I think I have given you all that our *A.* brings for proof of *Adam*'s Sovereignty, and that is a Supposition of a natural Right of Dominion over his Children, by being their Father, and this Title of *Fatherhood* he is so pleased with, that you will find it brought in almost in every Page, particularly, he says, *Not only* Adam, *but the succeeding Patriarchs had by Right of Fatherhood Royal Authority over their Children*, p. 12 [57]. And in the same page, *This Subjection of Children being the Fountain of all Regal Authority*, &c. This being, as one would think by his so frequent mentioning it, the main Basis of all his Frame, we may well expect clear and evident Reason for it, since he lays it down as a Position necessary to his purpose, That *every Man that is born is so far from being free, that by his very Birth he becomes a Subject of him that begets him*, O. 156 [232]. So that *Adam* being the only Man Created, and all ever since Being Begotten, no body has been born free. If we ask how *Adam* comes by this Power over his Children, he tells us here 'tis by

§ 50 8 '*Subjection*'—Subordination in Filmer.
13 '*free*'—free-born in Filmer.

begetting them: And so again, *O.* 223 [71]. *This Natural Dominion of* Adam, says he, *may be proved out of* Grotius *himself, who teacheth, That* generatione jus acquiritur parentibus in liberos. And indeed the Act of begetting being that which makes a Man a Father, his Right of Father over his Children can naturally arise from nothing else.

51. *Grotius* tells us not here how far this *jus in liberos*, this Power of Parents over their Children extends; but our *A.* always very clear in the point, assures us, 'tis *Supreme Power*, and like that of Absolute Monarchs over their Slaves, Absolute Power of Life and Death. He that should demand of him, How, or for what Reason it is, that begetting a Child gives the Father such an Absolute Power over him, will find him answer nothing: we are to take his word for this as well as several other things, and by that the Laws of Nature and the Constitutions of Government must stand or fall. Had he been an Absolute Monarch, this way of talking might have suited well enough; *pro ratione voluntas*, might have been of force in his mouth, but in the way of proof or argument is very unbecoming and will little advantage his plea for Absolute Monarchy. Sir Robert has to much lessen'd a Subjects authority to leave himself the hopes of establishing any thing by his bare saying it. One Slave's Opinion without proof is not of weight enough to dispose of the Liberty and fortunes of all Mankind: If all Men are not, as I think they are, naturally equal, I'm sure all Slaves are; and then I may without presumption oppose my single Opinion to his, and be confident that my Saying, *That Begetting of Children makes them not Slaves to their Fathers*, as certainly sets all Mankind Free; as his affirming the contrary makes them all Slaves. But that this Position, which is the Foundation of all their Doctrine, who would have Monarchy

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19 'Grotius'—'by generation a right over children is acquired by the parents' is quoted by Filmer from Grotius in that part of his *Original* which he devotes to Grotius, and in that passage of this tract which was taken from the original *Patriarcha* manuscript as printed by Laslett, see pp. 71–2.

18–23 Compare II, § 52, 11, note and references.

§ 51 1 Grotius analyses the rights of parents over their children in *De Jure Belli ac Pacis*, II, v (1712 ed. 234–): the phrase under discussion occurs in section 1. But his concern here is with the three periods into which the relationship of parent and child should be divided, and it is quite clear that Locke was justified in accusing Filmer of making what he wanted stand in the place of argument (*pro ratione voluntas*, line 11) in the use he made of Grotius.

to be *Jure Divino*, may have all fair play, let us hear what Reasons others give for it, since our *A.* offers none.

52. The Argument, I have heard others make use of, to prove that Fathers, by begetting them, come by an Absolute Power over their Children, is this; That *Fathers have a Power over the Lives of their Children, because they give them Life and Being*, which is the only proof it is capable of, since there can be no reason, why naturally one Man should have any claim or pretence of Right over that in another, which was never his, which he bestowed not, but was received from the bounty of another. 1°. I answer, That every one who gives another any thing, has not always thereby a Right to take it away again. But, 2°. They who say the *Father* gives Life to his Children, are so dazled with the thoughts of Monarchy, that they do not, as they ought, remember God, who is *the Author and Giver of Life: 'Tis in him alone we live, move, and have our Being.* How can he be thought to give Life to another, that knows not wherein his own Life consists? Philosophers are at a loss about it after their most diligent enquiries; And Anatomists, after their whole Lives and Studies spent in Dissections, and diligent examining the Bodies of Men, confess their Ignorance in the Structure and Use of many parts of Mans Body, and in that Operation wherein Life consists in the whole. And doth the Rude Plough-Man, or the more ignorant Voluptuary, frame or fashion such an admirable Engine as this is, and then put Life and Sense into it? Can any Man say, He formed the parts that are necessary to the Life of his Child? Or can he suppose himself to give the Life, and yet not know what Subject is fit to receive it, nor what Actions or Organs are necessary for its Reception or Preservation?

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§ 52 In this paragraph and down to number 55 there are evident traces of Locke's medical studies and of his scientific scepticism, attaching here to embryology as it does to the constitution of matter in his *Essay*. His answer to Filmer has an impressiveness here that it lacks elsewhere, though it is not strictly relevant as refutation, and is in contrast with Tyrrell's comments on the same point, for he merely denies that procreation gives absolute power to fathers because the mother would get a greater right from it. Man as the workmanship of God occurs again in the *First Treatise* (see §86, 7) and is a major theme of the *Second Treatise*, see II, §§ 6, 56, etc., and Introduction, 93. Pufendorf (1672, VI, ii, 4) contradicts Grotius, and insists as Locke does (see also note in 1678 journal, Introduction, 36 and 1, § 54, 3–5) that in procreation parents usually seek merely their own pleasure, and therefore it is the occasion not the foundation of parental power. Nozick, 1974, claims Locke is explaining in these paragraphs, though not very satisfactorily, why parents do not own their children, whom they have made, and whom, on the theory laid down in the *Second Treatise*, they should accordingly own.

53. To give Life to that which has yet no being, is to frame and make a living Creature, fashion the parts, and mould and suit them to their uses, and having proportion'd and fitted them together, to put into them a living Soul. He that could do this, might indeed have some pretence to destroy his own Workmanship. But is there any one so bold, that dares thus far Arrogate to himself the Incomprehensible Works of the Almighty? Who alone did at first, and continues still to make a living Soul, He alone can breathe in the Breath of Life. If any one thinks himself an Artist at this, let him number up the parts of his Childs Body which he hath made, tell me their Uses and Operations, and when the living and rational Soul began to inhabit this curious Structure, when Sense began, and how this Engine which he has framed Thinks and Reasons: If he made it, let him, when it is out of order, mend it, at least tell wherein the defects lie. *Shall he that made the Eye not see?* says the Psalmist, *Psalm* 94. 9. See these Mens Vanities: The Structure of that one part is sufficient to convince us of an All-wise Contriver, and he has so visible a claim to us as his Workmanship, that one of the ordinary Appellations of God in Scripture is, *God our Maker*, and *the Lord our Maker*. And therefore though our *A.* for the magnifying his *Fatherhood*, be pleased to say, *O* 159. [233] *That even the Power which God himself exerciseth over Mankind is by Right of Fatherhood*, yet this Fatherhood is such an one as utterly excludes all pretence of Title in Earthly Parents; for he is *King* because he is indeed Maker of us all, which no Parents can pretend to be of their Children.

54. But had Men Skill and Power to make their Children, 'tis not so slight a piece of Workmanship, that it can be imagined they could make them without designing it. What Father of a Thousand, when he begets a Child, thinks farther then the satisfying his present Appetite? God in his infinite Wisdom has put strong desires of Copulation into the Constitution of Men, thereby to continue the race of Mankind, which he doth most commonly without the intention, and often against the Consent and Will of the Begetter. And indeed those who desire and design Children, are but the occasions of their being, and when they design and wish to beget them, do little more towards their

§ 54 3–5 Compare I, § 52, note and references.
5–7 Compare II, § 66, 8–9.

making, than *Ducalion* and his Wife in the Fable did towards the making of Mankind, by throwing Pebbles over their Heads.

55. But grant that the Parents made their Children, gave them Life and Being, and that hence there followed an Absolute Power. This would give the *Father* but a joynt Dominion with the Mother over them. For no body can deny but that the Woman hath an equal share, if not the greater, as nourishing the Child a long time in her own Body out of her own Substance. There it is fashion'd, and from her it receives the Materials and Principles of its Constitution; And it is so hard to imagine the rational Soul should presently Inhabit the yet unformed Embrio, as soon as the Father has done his part in the Act of Generation, that if it must be supposed to derive any thing from the Parents, it must certainly owe most to the Mother: But be that as it will, the Mother cannot be denied an equal share in begetting of the Child, and so the Absolute Authority of the Father will not arise from hence. Our *A*—— indeed is of another mind; for he says, *We know that God at the Creation gave the Sovereignty to the Man over the Woman, as being the Nobler and Principal Agent in Generation*, O. 172 [245]. I remember not this in my Bible, and when the place is brought where God at the *Creation* gave the Sovereignty to Man over the Woman, and that for this Reason, because *he is the Nobler and Principal Agent in Generation*, it will be time enough to consider and answer it: But it is no new thing for our *A*—— to tell us his own Fancies for certain and Divine Truths, though there be often a great deal of difference between his and Divine Revelations: for God in the Scripture says, *his Father and his Mother that begot him.*

56. They who alledge the Practice of Mankind, for *exposing or selling* their Children, as a Proof of their Power over them, are with Sir *Rob.* happy Arguers, and cannot but recommend their

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12 Deucalion's story corresponds in Greek mythology to Noah's. He and his wife made an ark to survive the deluge, and afterwards were told by the oracle to throw stones behind them. Those thrown by Deucalion became men, those thrown by his wife became women, and so the world was repopulated.

§ 55 25–6 '*his Father and Mother that begot him*', from Zech. xiii. 3, where parents punish their children with death for prophesying.

§ 56 3 'happy Arguers'—in *Patriarcha* (77–8) Filmer shows, with an example from Roman history, that fathers could punish their children with death, and in the

Opinion by founding it on the moſt shameful Action, and moſt unnatural Murder, humane Nature is capable of. The Dens of Lions and Nurseries of Wolves know no such Cruelty as this: These Savage Inhabitants of the Desert obey God and Nature in being tender and careful of their Off-spring: They will Hunt, Watch, Fight, and almoſt Starve for the Preservation of their Young, never part with them, never forsake them till they are able to shift for themselves; And is it the Priviledge of Man alone to act more contrary to Nature than the Wild and moſt Untamed part of the Creation? Doth God forbid us under the severeſt Penalty, that of Death, to take away the Life of any Man, a Stranger, and upon Provocation? and does he permit us to deſtroy those he has given us the Charge and Care of, and by the dictates of Nature and Reason, as well as his Reveal'd Command, requires us to preserve? He has in all the parts of the Creation taken a peculiar care to propagate and continue the several Species of Creatures, and makes the Individuals act so ſtrongly to this end, that they sometimes neglect their own private good for it, and seem to forget that general Rule which Nature teaches all things of self Preservation, and the Preservation of their Young, as the ſtrongeſt Principle in them over rules the Conſtitution of their particular Natures. Thus we see when their Young ſtand in need of it, the timorous become Valiant, the Fierce and Savage Kind, and the Ravenous Tender and Liberal.

57. But if the Example of what hath been done, be the Rule of what ought to be, Hiſtory would have furnish'd our A—— with

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Directions (231) he says: 'God also hath given to the Father a right...to alien his power over his children...whence we find the sale and gift of children...much in use in the beginning of the world...the power of castrating...much in use.' These statements come unaltered from Bodin's *République*, where it is said that it is 'needful to restore unto parents...their power of life and death over their children' (Knolles's translation, p. 22). Bodin must have been among the 'happy Arguers', but there were others perhaps even as late as Montesquieu (see *Esprit des Lois*, v, 7). Tyrrell is more straightforward than Locke over this, and tackles Bodin direct, as does Sidney. It is notable that only Locke in answering Filmer failed to go behind him to his source, for Bodin is of the very greatest importance to all that Filmer wrote—see Laslett, 1949.

18–27 There is an echo of the medieval bestiary in this paragraph: on natural love for children compare II, § 60, 16–20; II, § 63; II, § 67, 16–21 and II, § 170. On preservation of self or offspring compare I, § 88, 14–18, and Strauss, 1953, 227, where Locke's slight vacillation here is made into a Hobbesian insistence on the primacy of self.

instances of this *Absolute Fatherly Power* in its heighth and perfection, and he might have shew'd us in *Peru*, People that begot Children on purpose to Fatten and Eat them. The Story is so remarkable, that I cannot but set it down in the A——'s Words. 'In some Provinces, *says he*, they were so liquorish after Mans 'Flesh, that they wou'd not have the patience to stay till the 'Breath was out of the Body, but would suck the Blood as it 'ran from the Wounds of the dying Man; they had publick 'Shambles of Man's Flesh, and their Madness herein was to that 'degree, that they spared not their own Children which they had 'Begot on Strangers taken in War: For they made their Captives 'their Mistresses and choisly nourished the Children they had 'by them, till about thirteen Years Old they Butcher'd and Eat 'them, and they served the Mothers after the same fashion, when 'they grew past Child bearing, and ceased to bring them any 'more Roasters, *Garcilasso de la vega hist. des yncas de* Peru, I. 1. c. 12.'

58. Thus far can the busie mind of Man carry him to a Brutality below the level of Beasts, when he quits his reason, which places him almost equal to Angels. Nor can it be otherwise in a Creature, whose thoughts are more than the Sands, and wider than the Ocean, where fancy and passion must needs run him into strange courses, if reason, which is his only Star and compass, be not that he steers by. The imagination is always restless and suggests variety of thoughts, and the will, reason being laid aside, is ready for every extravagant project; and in this State, he that goes farthest out of the way, is thought fittest to lead, and is sure

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§ 57 18 The French translation of the *Commentarios Reales* of Garcilaso de la Vega, published in 1633, seems to have been a favourite book, and it was in Locke's Oxford study in 1681. It is frequently quoted in his diaries and published works: indeed the very passage used here is also to be found, somewhat differently differently translated, in his *Essay on the Understanding*, I, iii, 9 (1894, 1, 73). It was probably added to both works in 1689: here it has no particular relevance and seems to have been dragged in to make a sensation. But see Introduction, 54, and compare I, § 153, 19–20 and note.

§ 58 This paragraph forms an important declaration of the essential rightness of 'Natural Man' and reads almost like Rousseau, the Rousseau of the *Discours sur l'Inégalité*; compare II, § 6. In talking here of the strength of fashion, Locke touches on a determinist strain which runs through his thought about society: compare the *Essay*, II, xxviii, especially section 12, 'the greatest part of mankind govern themselves chiefly, if not solely, by this *law of fashion*', which in section 10 was 'the *law of opinion or reputation*', in the earlier editions of the *Essay* even the '*philosophical law*' (Nidditch, ed., 357, compare Introduction, 81).

of most followers: And when Fashion hath once Established, what Folly or craft began, Custom makes it Sacred, and 'twill be thought impudence or madness, to contradict or question it. He that will impartially survey the Nations of the World, will find so much of their Governments, Religions, and Manners brought in and continued amongst them by these means, that he will have but little Reverence for the Practices which are in use and credit amongst Men, and will have Reason to think, that the Woods and Forests, where the irrational untaught Inhabitants keep right by following Nature, are fitter to give us Rules, than Cities and Palaces, where those that call themselves Civil and Rational, go out of their way, by the Authority of Example. If precedents are sufficient to establish a rule in the case, our A—— might have found in holy writ Children sacrificed by their parents and this amongst the people of God themselves. The Psalmist tells us *Psalm.* cvi. 38. *They shed innocent bloud even the bloud of their sons and of their daughters whom they sacrificed unto the Idols of Canaan.* But God judgd not of this by our A——s rule, nor allowd of the authoritie of practise against his righteous Law, but as it follows there, *The Land was polluted with bloud, therefore was the wrath of the Lord kindled against his people in so much that he abhorred his own inheritance.* The killing of their Children, though it were fashionable, was charged on them as *innocent bloud*, and so had, in the account of God, the guilt of murder, as the offering them to Idols had the guilt of Idolatry.

59. Be it then as Sir *Robert* says, that *Anciently*, it was *usual* for Men *to sell and Castrate their Children*, O. 155 [231]. Let it be, that they exposed them; Add to it, if you please, for this is still greater Power, that they begat them for their Tables to fat and eat them: If this proves a right to do so, we may, by the same Argument, justifie Adultery, Incest and Sodomy, for there are examples of these too, both Ancient and Modern; Sins, which I suppose, have their Principal Aggravation from this, that they cross the main intention of Nature, which willeth the increase of Mankind, and the continuation of the Species in the highest perfection, and the distinction of Families, with the Security of the Marriage Bed, as necessary thereunto.

60. In confirmation of this Natural Authority of the Father, our *A.* brings a lame Proof, from the positive Command of God

in Scripture; His words are, *to confirm the Natural Right of Regal Power, we find in the Decalogue, that the Law which injoyns Obedience to Kings, is delivered in the Terms, Honour thy Father*, p. 23 [62]. *Whereas many confess, that Government only in the Abstract, is the Ordinance of God, they are not able to prove any such Ordinance in the Scripture, but only in the Fatherly Power, and therefore we find the Commandment, that injoyns Obedience to Superiors, given in the Terms, Honour thy Father; so that not only the Power and Right of Government, but the Form of the Power Governing, and the Person having the Power, are all the Ordinances of God. The first Father had not only simply Power, but Power Monarchical, as he was Father immediately from God*, O. 254 [289]. To the same purpose, the same Law is cited by our *A.* in several other places, and just after the same Fashion, that is, *and Mother*, as Apocriphal Words, are always left out; a great Argument of our *A*'s ingenuity, and the goodness of his Cause, which required in its Defender Zeal to a degree of warmth, able to warp the Sacred Rule of the Word of God, to make it comply with his present occasion; a way of proceeding, not unusual to those, who imbrace not Truths, because Reason and Revelation offer them; but espouse Tenets and Parties, for ends different from Truth, and then resolve at any rate to defend them; and so do with the Words and Sense of Authors, they would fit to their purpose, just as *Procrustes* did with his guests, lop or stretch them, as may best fit them to the size of their Notions: And they always prove like those, so served, Deformed, Lame, and useless.

61. For had our *A.* set down this Command without Garbling, as God gave it, and joyned *Mother* to Father, every Reader would have seen that it had made directly against him, and that it was so far from Establishing the *Monarchical Power of the Father*, that it set up the *Mother* equal with him, and injoyn'd nothing but

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§ 60 3–13 These quotations differ in detail from Filmer's text: 'several other places' in line 15 presumably refers to 188, 283.

16 *'and Mother'*—this discussion of Filmer's omission of 'Mother' in his use of the Fifth Commandment occupies Locke until paragraph 66 and fulfils the promise of I, §§ 6 and 11. The argument is stated in II, §§ 52, 53. Sidney and Tyrrell do not make such use of this obvious equivocation, indeed Sidney implies that Filmer omitted 'Mother' by accident (1772, 57).

25 'Procrustes'—the legendary brigand of Eleusis who trimmed or stretched his victims to the length of a bed.

§ 61 Four of the texts cited here are quoted less exactly in II, § 52, 15–19, see note there.

what was due in common, to both Father and Mother: for that is the constant Tenor of the Scripture, *Honour thy Father and thy Mother*, Exod. 20. *He that smiteth his Father or Mother, shall surely be put to Death*, 21. 15. *He that Curseth his Father or Mother, shall surely be put to Death*, Ver. 17. Repeated *Lev.* 20. 9. and by our Saviour, *Matth.* 15. 4. *Ye shall fear every Man his Mother and his Father*, Lev. 19. 3. *If a Man have a Rebellious Son, which will not Obey the Voice of his Father, or the Voice of his Mother; then shall his Father and his Mother, lay hold on him, and say, this our Son is Stubborn and Rebellious, he will not Obey our Voice*, Deut. 21. 18, 19, 20, 21. *Cursed be he that setteth Light by his Father or his Mother*, 27. 16. *My Son, hear the Instructions of thy Father, and forsake not the Law of thy Mother*, are the Words of *Solomon* a King, who was not ignorant of what belonged to him, as a Father or a King, and yet he joyns *Father* and *Mother* together, in all the Instructions he gives Children quite through his Book of *Proverbs*, *Wo unto him, that sayeth unto his Father, what begettest thou, or to the Woman, what hast thou brought forth*, Isa. 45. ver. 10. *In thee have they set Light by Father or Mother*, Ezek. 22. 7. *And it shall come to pass, that when any shall yet Prophesie, then his Father and his Mother that begat him, shall say unto him, thou shalt not live, and his Father and his Mother that begat him, shall thrust him through when he Prophesieth*, Zech. 13. 3. Here not the Father only, but Father and Mother joyntly, had Power in this Case of Life and Death. Thus ran the Law of the Old Testament, and in the New they are likewise joyn'd, in the Obedience of their Children, *Eph.* 6. 1. The Rule is, *Children Obey your Parents*, and I do not remember, that I any where read, *Children Obey your Father* and no more. The Scripture joyns *Mother* too in that Homage, which is due from Children, and had there been any Text, where the Honour or Obedience of Children had been directed to the *Father* alone, 'tis not likely that our *A.*, who pretends to Build all upon Scripture, would have omitted it. Nay, the Scripture makes the Authority of *Father and Mother*, in respect of those they have begot, so equal, that in some places it neglects, even the Priority of Order, which is thought due to the Father, and the *Mother* is put first, as *Lev.* 19. 3. From which so constantly joyning Father and Mother together, as is found quite through the Scripture, we may conclude that the Honour they have a Title

41 '*Lev.* 19. 3'.—'Ye shall fear every man his mother and his father', cited II, § 52, 17.

to from their Children, is one common Right belonging so equally to them both, that neither can claim it wholly, neither can be excluded.

62. One would wonder then how our *A.* infers from the 5th Commandment, that all *Power was originally in the Father.* How he finds *Monarchical Power of Government, settled and fixed by the Commandment, Honour thy Father* and thy Mother. If all the Honour due by the Commandment, be it what it will, be the only right of the *Father*, because he, as our *A*—— says, *has the Soveraignty over the Woman, as being the Nobler and Principal Agent in Generation* [245], why did God afterwards all along joyn the *Mother* with him, to share in this Honour? Can the Father, by this Sovereignty of his, discharge the Child from paying this *Honour* to his *Mother?* The Scripture gave no such License to the Jews, and yet there were often Breaches wide enough betwixt Husband and Wife, even to Divorce and Separation, and, I think, no Body will say a Child may withhold Honour from his Mother, or, as the Scripture terms it, *set light by her*, though his Father should command him to do so, no more than the Mother could dispense with him, for neglecting to *Honour* his Father, whereby 'tis plain, that this Command of God, gives the Father no Sovereignty, no Supremacy.

63. I agree with our *A*——, that the Title to this *Honour* is vested in the Parents by Nature, and is a right which accrews to them, by their having begotten their Children, and God by many positive Declarations has confirm'd it to them: I also allow our *A*——s Rule, *that in Grants and Gifts, that have their Original from God and Nature, as the Power of the Father* (let me add *and Mother*, for whom God hath joyned together, let no Man put asunder) *no inferior Power of Men can limit, nor make any Law of Prescription against them*, O. 158. [233] so that the Mother having by this Law of God, a right to Honour from her Children, which is not Subject to the Will of her Husband, we see this *Absolute Monarchical Power of the Father*, can neither be founded on it, nor consist with it; And he has a Power very far from *Monarchical*, very far from that Absoluteness our *A*—— contends for, when another has over his Subjects the same Power he hath, and by the same Title:

§ 62 13–19 This point is made in II, § 69, 9–12.

And therefore he cannot forbear saying himself that *he cannot see how any Mans Children can be free from Subjection to their Parents*, *p.* 12. [57] which, in common Speech, I think, signifies *Mother* as well as *Father*, or if *Parents* here signifies only *Father*, 'tis the first time I ever yet knew it to do so, and by such an use of Words, one may say any thing.

64. By our *A*——s Doctrine, the Father having Absolute Jurisdiction over his Children, has also the same over their Issue, and the consequence is good, were it true, that the Father had such a Power: And yet I ask our *A*—— whether the Grandfather, by his Sovereignty, could discharge the Grand-child from paying to his Father the Honour due to him by the 5*th* Commandment. If the Grandfather hath by *right of Fatherhood*, sole Sovereign Power in him, and that Obedience which is due to the Supreme Magistrate, be Commanded in these Words, *Honour thy Father*, 'tis certain the Grandfather might dispense with the Grand-sons Honouring his Father, which, since 'tis evident in common Sense, he cannot, it follows from hence that, *Honour thy Father and Mother*, cannot mean an absolute Subjection to a Sovereign Power, but something else. The right therefore which Parents have by Nature, and which is confirmed to them by the 5*th* Commandment, cannot be that political Dominion, which our *A*—— would derive from it: For that being in every Civil Society Supreme somewhere, can discharge any Subject from any Political Obedience to any one of his fellow Subjects. But what Law of the Magistrate, can give a Child liberty, not to *Honour his Father and Mother?* 'Tis an Eternal Law annex'd purely to the relation of Parents and Children, and so contains nothing of the Magistrates Power in it, nor is subjected to it.

65. Our *A*—— says, *God hath given to a Father, a Right or Liberty to alien his Power over his Children to any other*, O. 155 [231].

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§ 64 3–6 This argument was used against Filmer by both Sidney (chapter 1, section 15) and by Tyrrell (1681, 3), though not so pointedly.

11–16. In denying, as he seems to do here, that the Fifth Commandment has anything to do with political obedience, Locke was repudiating far more than the principles of Filmer. He was attacking a tradition of Christianity, and particularly of Protestant Christianity. Luther, for example, develops his whole doctrine of political and social authority as a commentary on the Fifth Commandment (*Von den Guten Werken*, 1520 (1888)), and Tyndale argues in a precisely similar manner in his *Obedience of a Christian Man*, 1528 (1848). See the discussion in Laslett, 1949, 20–33, and especially Schochet, 1969 (ii).

I doubt whether he can *Alien* wholly the right of *Honour* that is due from them; But be that as it will, this I am sure, he cannot *Alien*, and retain the same Power, if therefore the Magistrates Sovereignty be as our *A*—— would have it, *nothing but the Authority of a Supreme Father, p.* 23. [62] 'tis unavoidable, that if the Magistrate hath all this Paternal Right as he must have if *Fatherhood* be the Fountain of all Authority, then the Subjects though Fathers, can have no Power over their Children, no right to Honour from them: for it cannot be all in anothers hands, and a part remain with the Parents. So that according to our *A*——s own Doctrine, *Honour thy Father and Mother* cannot possibly be understood of Political Subjection and Obedience; since the Laws both in the Old and New Testament, that Commanded Children to *Honour and obey their Parents*, were given to such, whose Fathers were under civil Government, and fellow Subjects with them in Political Societies; and to have bid them *Honour and obey their Parents* in our *A*——s Sense, had been to bid them be Subjects to those who had no Title to it, the right to Obedience from Subjects, being all vested in another: and instead of teaching Obedience, this had been to foment Sedition, by setting up Powers that were not. If therefore this Command, *Honour thy Father and Mother*, concern Political Dominion, it directly overthrows our A——s Monarchy; since it being to be paid by every Child to his Father, even in Society, every Father must necessarily have Political Dominion, and there will be as many Sovereigns as there are Fathers: besides that the Mother too hath her Title, which destroys the Sovereignty of one Supream Monarch. But if *Honour thy Father and Mother* mean something distinct from Political Power, as necessarily it must, it is besides our *A*——s business, and serves nothing to his purpose.

66. *The Law that enjoyns Obedience to Kings is delivered*, says our *A*——, *in the Terms, Honour thy Father, as if all Power were Originally in the Father*, p. 23 [62]. And that Law is also delivered, say I, in the Terms, *Honour thy Mother*, as if all Power were Originally

§ 65 3–12 Compare II, § 71, 1–7.

26–8 Compare Sidney, 1772, 21: 'This paternal power must necessarily accrue to every father: he is a king by the same right as the sons of Noah.' See also Tyrrell, 1681, for example, 38.

§ 66 3 'p. 23'—Locke wrote 'O. 254', assimilating it with the next reference, line 8. His quotations and references are careless in this part of the text.

in the Mother. I appeal whether the Argument be not as good on one side as the other, *Father and Mother* being joyned all along in the Old and New Testament where ever Honour or Obedience is injoyn'd Children. Again our *A*—— tells us, O. 254. [289] *that this Command, Honour thy Father gives the right to govern, and makes the Form of Government, Monarchical.* To which I answer, that, if by *Honour thy Father* be meant Obedience to the Political Power of the Magistrate, it concerns not any duty we owe to our natural Fathers who are Subjects: because they, by our *A*——s Doctrine, are divested of all that Power, it being placed wholly in the Prince, and so being equally Subjects and Slaves with their Children, can have no right by that Title, to any such *Honour or Obedience*, as contains in it Political Subjection: If *Honour thy Father and Mother* signifies the duty we owe our Natural Parents, as by our Saviour's Interpretation, *Matth.* 15. 4. and all the other mentioned places, 'tis plain it does, then it cannot concern Political Obedience, but a duty that is owing to Persons, who have no Title to Sovereignty, nor any Political Authority as Magistrates over Subjects. For the Person of a private Father, and a Title to Obedience, due to the Supreme Magistrate, are things inconsistent; and therefore this Command, which must necessarily comprehend the Persons of our Natural Fathers, must mean a duty we owe them distinct from our Obedience to the Magistrate, and from which the most Absolute Power of Princes cannot absolve us: What this Duty is, we shall in its due place examine.

67. And thus we have at last got through all that in our *A.* looks like an Argument for that *Absolute Unlimited Sovereignty* described, Sect. 8. which he supposes in *Adam*, so that Mankind ever since have been all born *Slaves*, without any Title to Freedom. But if *Creation* which gave nothing but a Being, made not *Adam Prince of his Posterity:* If *Adam*, *Gen.* 1. 28. was not constituted Lord of Mankind, nor had a *Private Dominion* given him exclusive of his Children, but only a Right and Power over the Earth, and

19–20 See Matt. xv. 4: 'For God commanded, saying, Honour thy father and mother: and He that curseth father or mother, let him die the death', compare 1, § 49, 13. The Authorized Version has eleven 'mentioned places' in the margin, all in the Old Testament.

29 The 'due place' is evidently the *Second Treatise*, chapter VI (§§ 52–76), see Introduction, 50.

§ 67 3 'Sect. 8.'—that is, section V (60–1) of *Patriarcha* in Laslett's edition.

inferiour Creatures in common with the Children of Men: If also *Gen.* 3. 16. God gave not any Political Power to *Adam* over his Wife and Children, but only subjected *Eve* to *Adam*, as a punishment, or foretold the Subjection of the weaker Sex, in the ordering the common Concernments of their Families, but gave not thereby to *Adam*, as to the Husband, Power of Life and Death, which necessarily belongs to the Magistrate: If Fathers by begetting their Children acquire no such Power over them: And if the Command, *Honour thy Father and Mother*, give it not, but only enjoyns a Duty owing to Parents equally, whether Subjects or not, and to the *Mother* as well as the *Father*; If all this be so, as I think, by what has been said, is very evident, then Man has a *Natural Freedom*, notwithstanding all our *A.* confidently says to the contrary, since all that share in the same common Nature, Faculties and Powers, are in Nature equal, and ought to partake in the same common Rights and Priviledges, till the manifest appointment of God, who is *Lord over all, Blessed for ever*, can be produced to shew any particular Persons Supremacy, or a Mans own consent subjects him to a Superior. This is so plain, that our *A.* confesses, that Sir *John Hayward*, *Blackwood* and *Barclay*, *the great Vindicators of the Right of Kings*, could not deny it, but *admit with one consent the Natural Liberty and Equality of Mankind*, for a Truth unquestionable. And our *A.* hath been so far from producing any thing, that may make good his great Position, That *Adam was Absolute Monarch*, and so *Men are not Naturally Free*, that even his own Proofs make against him; so that to use his own way of Arguing, *This first erroneous Principle failing, the whole Fabrick of this vast Engine* of Absolute Power and Tyranny, *drops down of it self*, and there needs no more to be said in answer to all that he builds upon so false and frail a Foundation.

22–6 A striking re-echo of the language of II, § 4, setting forth the basis of human equality, see Introduction, 54.

25 Rom. ix. 5: 'Christ...who is over all, God blessed for ever.'

28–30 *Patriarcha*, 54: on these authors see the previous citation in I, § 4, note and references.

35–7 Locke is refuting Filmer in his own words, substituting 'Absolute Power and Tyranny' for 'Popular Sedition'. The phrase as Locke modifies it occurs on p. 4 of the 1680 printing, but in the manuscript Filmer had written 'the main foundation of popular sedition would be taken away', Laslett's edition, p. 54.

68. But to save others the Pains, were there any need, he is not sparing himself to shew, by his own Contradictions, the weakness of his own Doctrine. *Adam*'s Absolute and Sole Dominion is that which he is every where full of, and all along builds on, and yet he tells us, *pag.* 12. [57] *That as Adam was Lord of his Children, so his Children under him had a Command and Power over their own Children.* The unlimited and undivided Sovereignty of *Adam's Fatherhood*, by our *A*'s Computation, stood but a little while, only during the first Generation, but as soon as he had Grand-Children, Sir *Rob.* could give but a very ill account of it. *Adam, as Father of his Children*, saith he, *hath an Absolute, Unlimited Royal Power over them, and by virtue thereof over those that they begot, and so to all Generations* [57]; and yet *his Children*, viz. *Cain* and *Seth*, have a Paternal Power over their Children at the same time: so that they are at the same time *Absolute Lords*, and yet *Vassals and Slaves*: *Adam* has all the Authority, as *Grand-Father of the People*, and they have a part of it as Fathers of a part of them: He is Absolute over them and their Posterity, by having begotten them, and yet they are Absolute over their Children by the same Title. *No*, says our *A.*, *Adam's Children under him, had Power over their own Children, but still with Subordination to the first Parent* [57]. A good distinction that sounds well, and 'tis pity it signifies nothing, nor can be reconciled with our *A*'s Words. I readily grant, that supposing *Adam's Absolute Power* over his Posterity, any of his Children might have from him a delegated, and so a *Subordinate* Power over a part, or all the rest: But that cannot be the Power our *A.* speaks of here, it is not a Power by Grant and Commission, but the Natural Paternal Power he supposes a Father to have over his Children. For 1°, he says, *As* Adam *was Lord of his Children, so his Children under him had a Power over their own Children:* They were then Lords over their own Children after the same manner, and by the same Title, that *Adam* was, *i.e.* by right of Generation, by right of *Fatherhood.* 2°. 'Tis plain he means the Natural Power of Fathers, because he limits it to be only *over their own Children*; a delegated Power has no such limitation, as only over their own Children, it might be over others, as well as their own Children. 3°. If it were a delegated Power, it must appear in Scripture: but there is no ground in Scripture to affirm, that *Adam*'s Children had any other Power over theirs, than what they Naturally had as Fathers.

69. But that he means here Paternal Power, and no other, is past doubt from the Inference he makes in these words immediately following, *I see not then how the Children of* Adam, *or of any Man else can be free from Subjection to their Parents* [57]: whereby it appears, that the *Power* on one side, and the *Subjection* on the other, our *A.* here speaks of, is that *Natural Power* and *Subjection* between Parents and Children. For that which every Mans Children owed, could be no other: and that our *A.* always affirms to be Absolute and Unlimited. This Natural *Power* of Parents over their Children, *Adam* had over his Posterity, says our *A.*, and this *Power* of Parents over their Children, his Children had over theirs in his Life-time, says our *A.* also: so that *Adam*, by a Natural Right of Father, had an Absolute, Unlimited Power over all his Posterity, and at the same time his Children had by the same Right Absolute Unlimited Power over theirs. Here then are two Absolute Unlimited Powers existing together, which I would have any body reconcile one to another, or to common Sense. For the *Salvo* he has put in of *Subordination*, makes it more absurd: To have one *Absolute*, *Unlimited*, nay *Unlimitable Power* in Subordination to another, is so manifest a Contradiction, that nothing can be more. Adam *is Absolute Prince with the Unlimited Authority of Fatherhood over all his Posterity*; All his Posterity are then absolutely his Subjects, and, as our *A.* says, his *Slaves*, Children and Grand-Children, are equally in this State of Subjection and Slavery, and yet, says our *A. the Children of* Adam *have Paternal*, i.e. Absolute, Unlimited *Power over their own Children*: which in plain *English* is, they are Slaves and Absolute Princes at the same time, and in the same Government, and one part of the Subjects have an Absolute Unlimited Power over the other by the Natural Right of Parentage.

70. If any one will suppose in favour of our *A.* that he here meant, that Parents, who are in Subjection themselves to the Absolute Authority of their Father, have yet some Power over their Children: I confess he is something nearer the Truth: But he will not at all hereby help our *A.* For he no where speaking of the Paternal Power, but as an Absolute Unlimited Authority, cannot be suppos'd to understand any thing else here, unless he himself had limited it, and shewed how far it reach'd. And that he means here Paternal Authority in that large Extent, is plain

from the immediate following words; *This Subjection of Children being*, says he, *the Fountain of all Regal Authority*, p. 12 [57]. *The Subjection*, then that in the former Line he says, *every Man is in to his Parents*, and consequently what *Adam*'s Grand-Children were in to their Parents, was that which was the Fountain of all *Regal Authority*, *i.e.* According to our *A.*, *Absolute*, *Unlimitable* Authority. And thus *Adam*'s Children had *Regal Authority* over their Children, whilst they themselves were Subjects to their Father, and Fellow-Subjects with their Children. But let him mean as he pleases, 'tis plain he allows *Adam's Children to have Paternal Power*, p. 12. [57] as also all other Fathers to have *Paternal Power over their Children*, O. 156 [232]. From whence one of these two things will necessarily follow, that either *Adam*'s Children, even in his lifetime, had, and so all other Fathers have, as he phrases it, *p.* 12 [57]. *By Right of Fatherhood Royal Authority over their Children*, or else, that *Adam*, *by Right of Fatherhood*, *had not Royal Authority:* For it cannot be but that *Paternal Power* does, or does not, give *Royal Authority* to them that have it: If it does not, then *Adam* could not be Sovereign by this Title, nor any body else, and then there is an end of all our *A*'s Politics at once; If it does give *Royal Authority*, then every one that has *Paternal Power* has *Royal Authority*, and then by our *A*'s Patriarchal Government, there will be as many Kings as there are Fathers.

71. And thus what a Monarchy he hath set up, let him and his Disciples consider. Princes certainly will have great Reason to thank him for these new Politics, which set up as many Absolute Kings in every Country as there are Fathers of Children. And yet who can blame our *A.* for it, it lying unavoidably in the way of one discoursing upon our *A*'s Principles? For having placed an *Absolute Power* in *Fathers by Right of Begetting*, he could not easily resolve how much of this Power belong'd to a Son over the Children he had begotten; And so it fell out to be a very hard matter to give all the Power, as he does, to *Adam*, and yet allow a part in his Lifetime to his Children, when they were Parents, and which he knew not well how to deny them. This makes him so doubtful in his Expressions, and so uncertain where to place this Absolute Natural Power, which he calls *Fatherhood*; sometimes *Adam* alone has it all, as *p.* 13. [58] *O.* 244, 245 [282/3]. *& Pref.* [188].

Sometimes *Parents* have it, which word scarce signifies the Father alone, *p.* 12. [57] 19 [61].

Sometimes *Children* during their Fathers Lifetime, as *p.* 12 [57].

Sometimes *Fathers* of *Families*, as *p.* 78 [96], and 79 [96].

Sometimes *Fathers* indefinitely, *O.* 155 [231].

Sometimes the *Heir to Adam*, *O.* 253 [289].

Sometimes *the Posterity of Adam*, 244 [283], 246 [284].

Sometimes *prime Fathers*, *all Sons or Grand-Children of* Noah, *O.* 244 [283].

Sometimes *the eldest Parents*, *p.* 12 [57].

Sometimes all Kings, *p.* 19 [60].

Sometimes all that have Supreme Power, *O.* 245 [281].

Sometimes *Heirs to those first Progenitors*, *who were at first the Natural Parents of the whole People*, *p.* 19 [61].

Sometimes an Elective King, *p.* 23 [62].

Sometimes those whether a few or a multitude that Govern the *Commonwealth*, *p.* 23 [62].

Sometimes he that can catch it, an Usurper, *p.* 23. [62] *O.* 155 [232].

72. Thus this *New Nothing*, that is to carry with it all Power, Authority, and Government; This *Fatherhood* which is to design the Person, and Establish the Throne of Monarchs, whom the People are to obey, may, according to Sir *Robert*, come into any Hands, any how, and so by his Politicks give to Democracy Royal Authority, and make an Usurper a Lawful Prince. And if it will do all these fine Feats, much good do our Author and all his Followers with their Omnipotent *Fatherhood*, which can serve for nothing but to unsettle and destroy all the Lawful Governments in the World, and to Establish in their room Disorder, Tyranny, and Usurpation.

§ 72 1 '*New Nothing*'—a conventional phrase for an empty novelty: in Victorian Oxford they used the expression 'A silver new nothing and a tantadling tart'.

CHAP. VII.

Of Fatherhood and Property Considered together as Fountains of Sovereignty.

73. IN the foregoing Chapters we have seen what *Adam*'s Monarchy was, in our *A*'s Opinion, and upon what Titles he founded it. The Foundations which he lays the chief stress on, as those from which he thinks he may best derive Monarchical Power to future Princes, are two, *viz. Fatherhood and Property*, and therefore the way he proposes to *remove the Absurdities and Inconveniences of the Doctrine of Natural Freedom*, is, *to maintain the Natural and Private Dominion of Adam*, O. 222 [71]. Conformable hereunto, he tells us, the *Grounds and Principles of Government necessarily depend upon the Original of Property*, O. 108 [204]. *The Subjection of Children to their Parents is the Fountain of all Regal Authority*, p. 12 [57]. And *all Power on Earth is either derived or usurped from the Fatherly Power, there being no other Original to be found of any Power whatsoever*, O. 158 [233]. I will not stand here to examine how it can be said without a Contradiction, that the *first Grounds and Principles of Government necessarily depend upon the Original of Property*, and yet, *that there is no other Original of any Power whatsoever, but that of the Father:* It being hard to understand how there can be *no other Original* but *Fatherhood*, and yet that the *Grounds and Principles of Government depend upon the Original of Property*; *Property and Fatherhood* being as far different as Lord of a Mannor and Father of Children. Nor do I see how they will either of them agree with what our *A*. says, *O*. 244. [283] of God's Sentence against *Eve*, *Gen*. 3. 16. *That it is the Original Grant of Government:* so that if that were the *Original*, Government had not its *Original* by our *A*'s own Confession, either from *Property* or *Fatherhood*; and this Text which he brings as a proof of *Adam*'s Power over *Eve*, necessarily contradicts what he says of the *Fatherhood*, that it is the *Sole Fountain of all Power*. For if *Adam*

§ 73 Title to chapter VII—'*Property*' substituted for '*Propriety*' by Locke after 1698, a correction frequently made elsewhere, though it is difficult to see why, unless the language had changed between 1680 and 1700.

had any such Regal Power over *Eve*, as our *A.* contends for, it must be by some other Title than that of begetting.

74. But I leave him to reconcile these Contradictions as well as many others, which may plentifully be found in him by any one, who will but read him with a little Attention, and shall come now to consider how these two Originals of Government, *Adam*'s *Natural* and *Private Dominion*, will consist, and serve to make out and Establish the Titles of succeeding Monarchs, who, as our *A.* obliges them, must all derive their Power from these *Fountains*. Let us then suppose *Adam* made *by God's Donation* Lord and Sole Proprietor of the whole Earth, in as large and ample a manner as Sir *Robert* could wish; let us suppose him also *by Right of Fatherhood* Absolute Ruler over his Children with an unlimited Supremacy, I ask then upon *Adam*'s Death what becomes of both his *Natural* and *Private Dominion*, and I doubt not 'twill be answered, that they descended to his next Heir, as our *A.* tells us in several places; But this way 'tis plain, cannot possibly convey both his *Natural* and *Private Dominion* to the same Person. For should we allow that all the Property, all the Estate of the Father ought to descend to the Eldest Son, (which will need some proof to Establish it) and so he has by that Title all the *Private Dominion* of the Father, yet the Father's *Natural Dominion*, the Paternal Power cannot descend to him by Inheritance. For it being a Right that accrews to a Man only by *begetting*, no Man can have this Natural Dominion over any one he does not *beget*: unless it can be suppos'd, that a Man can have a Right to any thing, without doing that upon which that Right is solely founded. For if a Father by *begetting*, and no other Title, has *Natural Dominion* over his Children, he that does not beget them, cannot have this *Natural Dominion* over them: and therefore be it true or false that our *A.* says, *O.* 156. [232] That *every Man that is born, by his very Birth becomes a Subject to him that begets him*, this necessarily follows, *viz.* That a Man by his Birth cannot become a Subject to his Brother, who did not beget him: unless it can be suppos'd that a Man by the very same Title can come to be under the *Natural and Absolute Dominion* of two different Men at once, or it be Sense to say, that a Man by Birth is under the *Natural Dominion* of his Father, only because he begat him, and a Man by Birth also is under the *Natural Dominion* of his Eldest Brother, though he did not beget him.

75. If then the *Private Dominion* of *Adam*, i.e. his Property in the Creatures, descended at his Death all entirely to his Eldeſt Son, his Heir; (for if it did not, there is presently an end of all Sir *Robert*'s Monarchy) and his *Natural Dominion*, the Dominion a Father has over his Children by begetting them, belong'd immediately upon *Adam*'s decease equally to all his Sons who had Children, by the same Title their Father had it, the Sovereignty founded upon *Property*, and the Sovereignty founded upon *Fatherhood*, come to be divided: since *Cain* as Heir had that of *Property* alone, *Seth* and the other Sons that of *Fatherhood* equally with him. This is the beſt can be made of our *A*'s Doctrine, and of the two Titles of Sovereignty he sets up in *Adam*, one of them will either signifie nothing, or if they both muſt ſtand, they can serve only to confound the Rights of Princes, and disorder Government in his Poſterity. For by building upon two Titles to Dominion, which cannot descend together, and which he allows may be separated (for he yields that *Adam*'s *Children had their diſtinct Territories by Right of Private Dominion*, O. 210. [54] *p.* 40 [78]) he makes it perpetually a doubt upon his Principles where the Sovereignty is, or to whom we owe our Obedience, since *Fatherhood* and *Property* are diſtinct Titles, and began presently upon *Adam*'s Death to be in diſtinct Persons. And which then was to give way to the other?

76. Let us take the account of it, as he himself gives it us. He tells us out of *Grotius*, That *Adam*'s *Children by Donation, Assignation, or some kind of Cession before he was dead, had their diſtinct Territories by Right of private Dominion*; Abel *had his Flocks and Paſtures for them*; Cain *had his Fields for Corn, and the Land of* Nod *where he built him a City*, O. 210 [63/64]. Here 'tis obvious to demand which of these two after *Adam*'s Death, was Sovereign? *Cain*, says our *A. p.* 19 [61]. By what Title? *As Heir*; *for Heirs to Progenitors, who were Natural Parents of their People, are not only Lords of their own Children, but also of their Brethren*, says our *A.*

§ 76 2 '*Grotius*'—a mistake. In the passage quoted, Filmer was using Selden's *Mare Clausum* to contradict Grotius. Tyrrell gets it right, 1681, 101 (second pagination).

4–6 See Gen. iv. 16–17. This argument is used in II, § 38, and this part of the text has some importance for Locke's own account of the relation of property to government. Filmer's inconsistency on the subject is grosser than Locke's, but Locke's offhand superiority is hardly justifiable.

p. 19 [61]. What was *Cain* Heir to? Not the entire Possessions, not all that which *Adam* had *Private Dominion* in, for our *A.* allows that *Abel* by a Title derived from his Father, *had his distinct Territory for Pasture by Right of Private Dominion.* What then *Abel* had by *Private Dominion* [64], was exempt from *Cain*'s Dominion. For he could not have *Private Dominion* over that, which was under the Private Dominion of another, and therefore his Sovereignty over his Brother is gone with this *Private Dominion*, and so there are presently two Sovereigns, and his imaginary Title of *Fatherhood* is out of doors, and *Cain* is no Prince over his Brother: Or else if *Cain* retain his Sovereignty over *Abel*, notwithstanding his *Private Dominion*, it will follow that the *first Grounds and Principles of Government* have nothing to do with *Property*, whatever our *A.* says to the contrary. 'Tis true, *Abel* did not out-live his Father *Adam*, but that makes nothing to the Argument, which will hold good against Sir *Robert* in *Abel*'s Issue, or in *Seth*, or any of the Posterity of *Adam*, not descended from *Cain.*

77. The same inconvenience he runs into about *the three Sons of Noah*, who, as he says, *p.* 13. [58] *had the whole World divided amongst them by their Father.* I ask then in which of the three shall we find *the Establishment of Regal Power* after *Noah*'s Death? If in all three, as our *A.* there seems to say; then it will follow, that Regal Power is founded in Property of Land, and follows *Private Dominion*, and not in *Paternal Power* or *Natural Dominion*, and so there is an end of Paternal Power as the Fountain of Regal Authority, and the so much magnified *Fatherhood* quite vanishes. If the *Regal Power* descended to *Shem* as Eldest, and Heir to his Father, then *Noah*'s *Division of the World by Lot to his Sons, or his Ten Years Sailing about the Mediterranean to appoint each Son his part*, which our *A.* tells of, *p.* 15. [59] was labour lost, his Division of the World to them, was to ill, or to no purpose. For his Grant to *Cham* and *Japhet* was little worth if *Shem*, notwithstanding this Grant, as soon as *Noah* was dead, was to be Lord over them. Or, if this Grant of *Private Dominion* to them over their assigned Territories, were good, here were set up two distinct sorts of Power, not Subordinate one to the other, with all those Inconveniences which he musters up against the *Power of the People*, O. 158. [233] which I shall set down in his own words, only

changing *Property* for *People*. *All Power on Earth is either derived or usurped from the Fatherly Power, there being no other Original to be found of any Power whatsoever: For if there should be granted two sorts of Power, without any Subordination of one to the other, they would be in perpetual ſtrife which should be Supreme, for two Supremes cannot agree: If the Fatherly Power be Supreme, then the Power* grounded on Private Dominion *muſt be ſubordinate, and depend on it; and if the Power* grounded on Property *be Supreme, then the Fatherly Power muſt ſubmit to it, and cannot be exercised without the License of the Proprietors, which muſt quite deſtroy the Frame and Course of Nature.* This is his own arguing againſt two diſtinct Independent Powers, which I have set down in his own words, only putting Power rising from Property, for *Power of the People*; and when he has answered what he himself has urged here againſt two diſtinct Powers, we shall be better able to see how, with any tolerable Sense, he can derive all Regal Authority *from the Natural and Private Dominion of* Adam, from *Fatherhood* and *Property* together, which are diſtinct Titles that do not always meet in the same Person; and 'tis plain, by his own Confession, presently separated as soon both as *Adam*'s and *Noah*'s Death made way for Succession: Though our *A.* frequently in his Writings jumbles them together, and omits not to make use of either, where he thinks it will sound beſt to his purpose. But the Absurdities of this will more fully appear in the next Chapter, where we shall examine the ways of conveyance of the Sovereignty of *Adam*, to Princes that were to Reign after him.

CHAP. VIII.

Of the Conveyance of Adam*'s Sovereign Monarchical Power.*

78. SIR *Robert*, having not been very happy in any Proof he brings for the Sovereignty of *Adam*, is not much more fortunate in conveying it to future Princes, who, if his Politicks be true, muſt all derive their Titles from that firſt Monarch. The

ways he has assigned, as they lie scatter'd up and down in his Writings, I will set down in his own Words: In his Preface he tells us [188], That *Adam being Monarch of the whole World, none of his Poſterity had any right to poſſeſs any thing, but by his Grant or Permiſſion, or by Succeſſion from him:* Here he makes two ways of conveyance of any thing *Adam* ſtood poſſeſſed of, and those are *Grant* or *Succeſſion.* Again he says *All Kings either are, or are to be reputed, the next Heirs to those firſt Progenitors, who were at firſt the Natural Parents of the whole People*, p. 19 [60, 61]. *There cannot be any Multitude of Men whatſoever, but that in it, conſider'd by it ſelf, there is one Man amongſt them, that in Nature hath a Right to be the King of all the reſt, as being the next Heir to* Adam, O. 253 [288, 289]. Here in these places *Inheritance* is the only way he allows of conveying Monarchical Power to Princes. In other places he tells us O. 155. [232] *All Power on Earth is either derived or uſurped from the Fatherly Power*, O. 158. [233] *All Kings that now are, or ever were, are or were either Fathers of their People, or the Heirs of ſuch Fathers or Uſurpers of the Right of ſuch Fathers*, O. 253 [288]. And here he makes *Inheritance* or *Uſurpation* the only ways whereby Kings come by this Original Power: But yet he tells us, *This Fatherly Empire, as it was of it ſelf Hereditary, ſo it was alienable by Patent, and ſeizable by an Uſurper*, O. 190 [256]. So then here Inheritance, Grant or Usurpation will convey it. And laſt of all, which is moſt admirable, he tells us, *p.* 100. [106] *It ſkills not which way Kings come by their Power, whether by Election, Donation, Succeſſion, or by any other means, for it is ſtill the Manner of the Government by Supreme Power, that makes them properly Kings, and not the Means of obtaining their Crowns.* Which I think is a full answer to all his whole *Hypotheſis*, and Discourse about *Adam*'s Royal Authority, as the Fountain from which all Princes were to derive theirs: And he might have spared the trouble of speaking so much, as he does, up and down of Heirs and Inheritance, if to make any one *properly a King*, needs no more but *Governing by Supreme Power, and it matters not by what Means he came by it.*

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§ 78 19 'O. 155'—redundant reference. The preceding words are an insertion of Locke's in the Christ's copy, but he did not strike out this reference. It is clear from such things as this that he did not make his final revision, after 1698, with Filmer's book in his hand.

25 '*by Patent*'—Filmer wrote '*by the Parent*' in his manuscript (1949 ed., p. 256).

34–7 This gives Filmer's whole case away: cf. Salmon, 1959, 111 n.

79. By this notable way, our *A.* may make *Oliver* as *properly King*, as any one else he could think of: And had he had the Happiness to live under *Massanello's* Government, he could not by this his own Rule have forborn to have done Homage to him, with *O King live for ever*, since the Manner of his Government by Supreme Power, made him *properly* King, who was but the Day before *properly* a Fisherman. And if *Don Quixot* had taught his Squire to Govern with Supreme Authority, our *A.* no doubt could have made a most Loyal Subject in *Sancho Pancha's Island*: and he must needs have deserved some Preferment in such Governments, since I think he is the first Politician, who, pretending to settle Government upon its true Basis, and to establish the Thrones of lawful Princes, ever told the World, That he was *properly a King, whose Manner of Government was by Supreme Power, by what Means soever he obtained it*; which in plain *English* is to say, that Regal and Supreme Power is properly and truly his, who can by any Means seize upon it: and if this be, to be *properly a King*, I wonder how he came to think of, or where he will find, an *Usurper*.

80. This is so strange a Doctrine, that the surprize of it hath made me pass by, without their due Reflection, the Contradictions he runs into, by making sometimes *Inheritance* alone, sometimes only *Grant* or *Inheritance*, sometimes only *Inheritance* or *Usurpation*, sometimes all these three, and at last *Election*, or *any other means*, added to them, the ways whereby *Adam's* Royal *Authority*, that is, his right to Supreme Rule, could be convey'd down to future Kings and Governors, so as to give them a Title to the Obedience and Subjection of the People. But these Contradictions lie so open, that the very reading of our *A's* own Words, will discover

§ 79 1 '*Oliver*'—Oliver Cromwell. It may be worth noting that Filmer actually wrote his justification for obedience to usurpers under Cromwell, in particular his *Directions* (231–5). It is a little unsympathetic of Locke to reproach him perpetually with statements made under such necessity, especially since the only work he himself had actually published at this time was his poetic eulogy of Cromwell—see Introduction, 18; compare I, § 121, 12.

3 See *Cambridge Modern History* (1906), IV, 656–7. The revolt of Tommaso Aniello (Masaniello) in 1647 in Naples against the Spanish government became a symbol for mob rule all over Europe for the next few generations. In the Hilary Term 1682/3, for example, a poem was published in London entitled *Massinello, or a Satyr against the Association* (Wing, M 1043).

9 See Cervantes, *Don Quixote*, Part II, chapters 37, 38, 42, 45, etc. Locke possessed four editions, two in French and two in English.

them to any ordinary Understanding: and though what I have quoted out of him (with abundance more of the same Strain and Coherence which might be found in him) might well excuse me from any farther trouble in this Argument, yet having proposed to my self, to examine the main parts of his Doctrine, I shall a little more particularly consider how *Inheritance*, *Grant*, *Usurpation* or *Election*, can any way make out Government in the World upon his Principles; or derive to any one a right of Empire, from this Regal Authority of *Adam*, had it been never so well proved, that he had been Absolute Monarch, and Lord of the whole World.

CHAP. IX.

Of Monarchy, by Inheritance from Adam.

81. THough it be never so plain that there ought to be Government in the World, nay should all Men be of our *A*——s mind, that Divine appointment had ordained it to be *Monarchical*, yet since Men cannot obey any thing, that cannot command, and Ideas of Government in the Fancy, though never so perfect, though never so right, cannot give Laws, nor prescribe Rules to the Actions of Men; it would be of no behoof for the setling of Order, and Establishment of Government in its Exercise and Use amongst Men, unless there were a way also taught how to know the Person, to whom it belonged to have this Power, and Exercise this Dominion over others. 'Tis in vain then to talk of Subjection and Obedience, without telling us whom we are to obey. For were I never so fully perswaded, that there ought to be Magistracy and Rule in the World, yet I am nevertheless at Liberty still, till it appears who is the Person that hath Right to my Obedience: since if there be no Marks to know him by, and distinguish him, that hath Right to Rule from other Men, it may be my self, as well as any other. And therefore though Submission to Government be every ones duty, yet since that signifies nothing but submitting to the Direction and Laws of such Men, as have

Authority to Command, 'tis not enough to make a Man a Subject, to convince him that there is *Regal Power* in the World, but there must be ways of designing, and knowing the Person to whom this *Regal Power* of Right belongs, and a Man can never be oblig'd in Conscience to submit to any Power, unless he can be satisfied who is the Person, who has a Right to Exercise that Power over him. If this were not so, there would be no distinction between Pirates and Lawful Princes, he that has Force is without any more ado to be obey'd, and Crowns and Scepters would become the Inheritance only of Violence and Rapine. Men too might as often and as innocently change their Governours, as they do their Physicians, if the Person cannot be known, who has a right to direct me, and whose Prescriptions I am bound to follow. To settle therefore Mens Consciences under an Obligation to Obedience, 'tis necessary that they know not only that there is a Power somewhere in the World, but the Person who by Right is vested with this Power over them.

82. How successful our *A*—— has been in his attempts, to set up a *Monarchical Absolute Power* in *Adam*, the Reader may judge by what has been already said: but were that *Absolute Monarchy* as clear as our *A*—— would desire it, as I presume it is the contrary, yet it could be of no use to the Government of Mankind now in the World, unless he also make out these two things.

First, That this *Power of Adam* was not to end with him, but was upon his Decease conveyed intire to some other Person, and so on to Posterity.

Secondly, That the Princes and Rulers now on Earth, are possessed of this *Power of Adam*, by a right way of conveyance derived to them.

83. If the first of these fail, the *Power of Adam*, were it never so great, never so certain, will signifie nothing to the present Governments and Societies in the World, but we must seek out some other Original of Power for the Government of Politys then this of *Adam*, or else there will be none at all in the World. If the latter fail, it will destroy the Authority of the present Governours, and absolve the People from Subjection to them, since they having no better a Claim then others to that Power, which is alone the Fountain of all Authority, can have no Title to Rule over them.

84. Our *A*—— having Fansied an Absolute Sovereignty in *Adam*, mentions several ways of its conveyance to Princes, that were to be his Successors, but that which he chiefly insists on, is, that of *Inheritance*, which occurs so often in his several Discourses, and I having in the foregoing Chapter quoted several of these passages, I shall not need here again to repeat them. This Sovereignty he erects, as has been said upon a double Foundation, *viz*. that of *Property*, and that of *Fatherhood*. One was the right he was supposed to have in all Creatures, a right to possess the Earth with the Beasts, and other inferior Ranks of things in it for his Private use, exclusive of all other Men. The other was the Right he was supposed to have, to Rule and Govern Men, all the rest of Mankind.

85. In both these Rights, there being supposed an exclusion of all other Men, it must be upon some Reason peculiar to *Adam*, that they must both be founded.

That of his *property* our *A*. supposes to arise from God's immediate *Donation*, *Gen*. 1. 28. and that of *Fatherhood* from the Act of *Begetting*: Now in all Inheritance, if the Heir succeed not to the reason, upon which his Father's Right was founded, he cannot succeed to the Right which followeth from it: For Example, *Adam* had a Right of Property in the Creatures, upon the *Donation* and *Grant* of God Almighty, who was Lord and Proprietor of them all, let this be so as our *A*—— tells us, yet upon his Death his Heir can have no Title to them, no such right of Property in them, unless the same reason, *viz*. God's *Donation*, vested a right in the *Heir* too. For if *Adam* could have had no Property in, nor use of, the Creatures without this positive *Donation* from God, and this *Donation*, were only personally to *Adam*, his *Heir* could have no right by it, but upon his death, it must revert to God the Lord and Owner again: for positive Grants give no Title farther than the express words convey it, and by which only it is held. And thus, if as our *A*—— himself contends, that *Donation*, *Gen*. 1. 28. were made only to *Adam* personally his Heir could not suceed to his property in the Creatures; and if it were a Donation to any but *Adam*, let it be shewn, that it was to his Heir in our *A*'s Sense, *i.e.* to one of his Children exclusive of all the rest.

86. But not to follow our *A*—— too far out of the way, the plain of the Case is this. God having made Man, and planted in

him, as in all other Animals, a strong desire of Self-preservation, and furnished the World with things fit for Food and Rayment and other Necessaries of Life, Subservient to his design, that Man should live and abide for some time upon the Face of the Earth, and not that so curious and wonderful a piece of Workmanship by its own Negligence, or want of Necessaries, should perish again, presently after a few moments continuance: God, I say, having made Man and the World thus, spoke to him, (that is) directed him by his Senses and Reason, as he did the inferior Animals by their Sense, and Instinct, which he had placed in them to that purpose, to the use of those things, which were serviceable for his Subsistence, and given him as means of his *Preservation*. And therefore I doubt not, but before these words were pronounced, 1 *Gen.* 28, 29. (if they must be understood Literally to have been spoken) and without any such Verbal *Donation*, Man had a right to a use of the Creatures, by the Will and Grant of God. For the desire, strong desire of Preserving his Life and Being having been Planted in him, as a Principle of Action by God himself, Reason, *which was the Voice of God in him*, could not but teach him and assure him, that pursuing that natural Inclination he had to preserve his Being, he followed the Will of his Maker, and therefore had a right to make use of those Creatures, which by his Reason or Senses he could discover would be serviceable thereunto. And thus Man's *Property* in the Creatures, was founded upon the right he had, to make use of those things, that were necessary or useful to his Being.

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§ 86 7 'Workmanship'—see note on I, § 52, and references.

19–21 These lines raise a number of important problems in Locke's political theory in relation to his philosophy (see Introduction, section IV, 2). Preservation, of oneself and all mankind, is a natural law for Locke, perhaps the natural law, here presented as 'a Principle of Action' planted by God in man. This would seem to contradict chapter III of Book I of his *Essay*, headed 'No Innate Practical Principles', but the language here is very close to the exception he makes (Nidditch, ed., 1975, 67) for the 'desire for happiness' an 'innate practical principle', see Yolton, 1956. 'Reason' as '*the voice of God*' is a famous neoplatonism, see II, § 56, 5 and Locke's *Reasonableness* (1695) where reason is called 'a spark of the divine nature', 'the candle of the Lord' (*Works*, 1801, VII, 133), and on reason generally, see Polin, 1960, 25 etc.

19–28 This, and the following paragraph, state Locke's ultimate justification of property, here typified by property in animals; see Introduction, 101. Compare II, § 30, 1–4, where the labour theory is called the 'Law of reason', and compare and contrast his eighth *Essay on the Law of Nature* where possession of private property (*res sua, res privata*) is said to be protected by the law of nature (Von Leyden, 1954, 206–7).

87. This being the Reason and Foundation of *Adams Property* gave the same Title, on the same Ground, to all his Children, not only after his death, but in his life time: So that here was no Priviledge of his *Heir* above his other Children, which could exclude them from an equal Right to the use of the inferior Creatures, for the comfortable preservation of their Beings, which is all the *Property* Man hath in them: and so *Adams* Sovereignty built on *property*, or as our *A.* calls it, *Private Dominion* comes to nothing. Every Man had a right to the Creatures, by the same Title *Adam* had, *viz.* by the right every one had to take care of, and provide for their Subsistence: and thus Men had a right in common, *Adams* Children in common with him. But if any one had began, and made himself a Property in any particular thing, (which how he, or any one else, could do, shall be shewn in another place) that thing, that possession, if he dispos'd not otherwise of it by his positive Grant, descended Naturally to his Children, and they had a right to succeed to it, and possess it.

88. It might reasonably be asked here, how come Children by this right of possessing, before any other, the properties of their Parents upon their Decease. For it being Personally the Parents, when they dye, without actually Transferring their Right to another, why does it not return again to the common stock of Mankind? 'Twill perhaps be answered, that common consent hath disposed of it, to the Children. Common Practice, we see indeed does so dispose of it but we cannot say, that it is the common consent of Mankind; for that hath never been asked, nor actually given: and if common tacit Consent hath establish'd it, it would make but a positive and not Natural Right of Children to Inherit the Goods of their Parents: But where the Practice is Universal, 'tis reasonable to think the Cause is Natural. The ground then, I think, to be this. The first and strongest desire God Planted in Men, and wrought into the very Principles of their Nature being that of Self-preservation, that is the Foundation of a right to the Creatures, for the particular support and use of each individual Person himself. But next to this, God Planted in Men a strong desire also of propagating their Kind, and continuing themselves in their Posterity, and this gives Children

§ 87 14–15 A clear cross-reference to the fifth chapter of the *Second Treatise*, see Introduction, 50, 61–2.

a Title, to share in the *Property* of their Parents, and a Right to Inherit their Possessions. Men are not Proprietors of what they have meerly for themselves, their Children have a Title to part of it, and have their Kind of Right joyn'd with their Parents, in the Possession which comes to be wholly theirs, when death having put an end to their Parents use of it, hath taken them from their Possessions, and this we call Inheritance. Men being by a like Obligation bound to preserve what they have begotten, as to preserve themselves, their issue come to have a Right in the Goods they are possessed of. That Children have such a Right is plain from the Laws of God, and that Men are convinced, that Children have such a Right, is evident from the Law of the Land, both which Laws require Parents to provide for their Children.

89. For Children being by the course of Nature, born weak, and unable to provide for themselves, they have by the appointment of God himself, who hath thus ordered the course of nature, a Right to be nourish'd and maintained by their Parents, nay a right not only to a bare Subsistance but to the conveniences and comforts of Life, as far as the conditions of their Parents can afford it. Hence it comes, that when their Parents leave the World, and so the care due to their Children ceases, the effects of it are to extend as far as possibly they can, and the Provisions they have made in their Life time, are understood to be intended as nature requires they should, for their Children, whom after themselves, they are bound to provide for, though the dying Parents, by express Words, declare nothing about them, nature appoints the descent of their Property to their Children, who thus come to have a Title, and natural Right of Inheritance to their Fathers Goods, which the rest of Mankind cannot pretend to.

90. Were it not for this Right of being Nourished, and Maintained by their Parents, which God and Nature has given to

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§ 90 Interesting as a statement of Locke's view of the ethical relationships between generations: compare Laslett, 1977. Viner, 1963, cites it for Locke's distinction between property as a general category, which could include 'Reverence, . . . Respect and Honour' and property specifically defined as 'Possessions and commodities of Life valuable by Money'. Contrast II, § 87, 5, note and references.

29–31 Locke seems clearly to have in mind the 'Municipal Laws' of his own country (compare II, § 205, 1), which direct that land ('Estate') cannot be inherited by a man's father, or anyone in the ascending line, though this is not true of goods.

Children, and obliged Parents to, as a Duty, it would be reasonable, that the Father should Inherit the Estate of his Son, and be preferr'd in the Inheritance before his Grand Child. For to the Grand Father, there is due a long Score of Care and Expences laid out upon the Breeding and Education of his Son, which one would think in Justice ought to be paid. But that having been done in Obedience to the same Law, whereby he received Nourishment and Education from his own Parents, this Score of Education received from a Man's Father, is paid by taking care, and providing for his own Children; is paid, I say, as much as is requir'd of Payment by Alteration of Property, unless present necessity of the Parents require a return of Goods for their necessary Support and Subsistence. For we are not now speaking of that Reverence, Acknowledgment, Respect and Honour that is always due from Children to their Parents, but of Possessions and Commodities of Life valuable by Money. But tho' it be incumbent on parents to bring up and provide for their children, yet this Debt to the Children does not quite cancel the Score due to the Parents, but only is made by Nature preferable to it. For the Debt a Man owes his Father, takes place, and gives the Father a Right to Inherit the Sons Goods, where for want of Issue, the Right of Children doth not exclude that Title. And therefore a Man having a Right to be maintain'd by his Children where he needs it, and to enjoy also the comforts of Life from them, when the necessary Provision due to them, and their Children will afford it, if his Son dye without Issue, the Father has a Right in Nature to possess his Goods, and Inherit his Estate (whatever the Municipal Laws of some Countries, may absurdly direct otherwise,) and so again his Children and their Issue from him, or for want of such, his Father and his Issue. But where no such are to be found, *i.e.* no Kindred, there we see the Possessions of a Private Man revert to the Community, and so in Politic Societies come into the Hands of the Public Magistrate: but in the State of Nature become again perfectly common, no body having a right to Inherit them: nor can any one have a Property in them, otherwise then in other things common by Nature, of which I shall speak in its due place.

See Holdsworth, *History of English Law*, 1923, II, 171–85, especially p. 175, and compare I, § 123, 11–12, and II, § 12, 16. In this discussion, and in I, § 89 also, Locke may have in mind Grotius, 1625, III, iii.

38–9 A cross-reference to chapter V of the *Second Treatise*, see I, § 87, 14–15 and reference.

91. I have been the larger in shewing upon what ground Children have a Right to succeed to the Possession of their Fathers Properties, not only because by it, it will appear, that if *Adam* had a Property (a Titular insignificant useless Property; for it could be no better, for he was bound to Nourish and Maintain his Children and Posterity out of it) in the whole Earth and its Product, yet all his Children coming to have by the Law of Nature and Right of Inheritance a joynt Title, and Right of Property in it after his Death, it could convey no Right of Sovereignty to any one of his Posterity over the rest: Since every one having a Right of Inheritance to his Portion, they might enjoy their Inheritance, or any part of it in common, or share it, or some parts of it by Division, as it best liked them. But no one could pretend to the whole Inheritance, or any Sovereignty supposed to accompany it, since a Right of Inheritance gave every one of the rest, as well as any one, a Title to share in the Goods of his Father. Not only upon this Account, I say, have I been so particular in examining the Reason of Childrens inheriting the Property of their Fathers, but also because it will give us farther Light in the Inheritance of *Rule* and *Power*, which in Countries where their particular Municipal Laws give the whole Possession of Land entirely to the First Born, and Descent of Power has gone so to Men by this Custom, some have been apt to be deceived into an Opinion, that there was a Natural or Divine Right of Primogeniture, to both *Estate* and *Power*; and that the Inheritance of both *Rule* over Men and *Property* in things, sprang from the same Original, and were to descend by the same Rules.

92. Property, whose Original is from the Right a Man has to use any of the Inferior Creatures, for the Subsistence and Comfort of his Life, is for the benefit and sole Advantage of the Proprietor, so that he may even destroy the thing, that he has Property in by his use of it, where need requires: but Government being for the Preservation of every Mans Right and Property, by preserving him from the Violence or Injury of others, is for the good of the

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§ 91 21 Locke obviously has the English Common Law in mind here also; compare I, § 90, 29–31 and note, I, § 37, 3.

§ 92 1–3 Here Locke assimilates all property to rights over animals, justified in I, § 86: see lines 9–18 of that paragraph, and II, § 6, 18–19 and note.

5–6 A major theme of the *Second Treatise*; see, for example, II, § 124, 1–3.

Governed. For the Magistrates Sword being for a *Terror to Evil Doers*, and by that Terror to inforce Men to observe the positive Laws of the Society, made conformable to the Laws of Nature, for the public good, *i.e.* the good of every particular Member of that Society, as far as by common Rules, it can be provided for; the Sword is not given the Magistrate for his own good alone.

93. Children therefore, as has been shew'd, by the dependance they have on their Parents for Subsistence, have a Right of Inheritance to their Fathers Property, as that which belongs to them for their proper good and behoof, and therefore are fitly termed Goods, wherein the First Born has not a sole or peculiar Right by any Law of God and Nature, the younger Children having an equal Title with him founded on that Right they all have to maintenance, support and comfort from their Parents, and nothing else. But Government being for the benefit of the Governed, and not the sole advantage of the Governors (but only for theirs with the rest, as they make a part of that Politick Body, each of whose parts and Members are taken care of, and directed in its peculiar Functions for the good of the whole, by the Laws of the Society) cannot be inherited by the same Title that Children have to the Goods of their Father. The Right a Son has to be maintained and provided with the necessaries and conveniences of Life out of his Fathers Stock, gives him a Right to succeed to his Fathers *Property* for his own good, but this can give him no Right to succeed also to the *Rule*, which his Father had over other Men. All that a Child has Right to claim from his Father is Nourishment and Education, and the things nature furnishes for the support of Life: But he has no Right to demand *Rule* or *Dominion* from him: He can subsist and receive from him the Portion of good things, and advantages of Education naturally due to him, without *Empire* and *Dominion*. That (if his Father hath any) was vested in him, for the good and behoof of others, and therefore the Son cannot Claim or Inherit it by a Title, which is founded wholly on his own private good and advantage.

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§ 92 8–9, 13 Phrases from the famous thirteenth chapter of Romans, verses 3–4: 'For rulers are not a terror to good works, but to evil...for he beareth not the sword in vain.'

94. We must know how the first Ruler, from whom any one claims, came by his Authority, upon what ground any one has *Empire*, what his Title is to it, before we can know who has a right to succeed him in it, and inherit it from him. If the Agreement and consent of Men first gave a Scepter into any ones hand, or put a Crown on his Head, that also must direct its descent and conveyance. For the same Authority, that made the first a Lawful *Ruler*, must make the Second too, and so give Right of Succession: in this Case Inheritance or Primogeniture, can in its self have no Right, no pretence to it, any farther then that Consent, which Established the Form of the Government, hath so settled the Succession. And thus we see the Succession of Crowns, in several Countries places it on different Heads, and he comes by Right of Succession, to be a Prince in one place, who would be a Subject in another.

95. If God by his positive Grant and revealed Declaration, first gave *Rule* and *Dominion* to any man, he that will Claim by that Title, must have the same positive Grant of God for his Succession. For if that has not directed the Course of its descent and conveyance down to others, no body can succeed to this Title of the first Ruler; Children have no Right of Inheritance to this; and Primogeniture can lay no Claim to it, unless God the Author of this Constitution hath so ordained it. Thus we see the pretensions of *Sauls* Family, who received his Crown from the immediate Appointment of God, ended with his Reign; and *David* by the same Title that *Saul* Reigned, *viz.* Gods Appointment, succeeded in his Throne, to the exclusion of *Jonathan*, and all pretentions of Paternal Inheritance. And if *Salomon* had a Right to Succeed his Father, it must be by some other Title, then that of Primogeniture. A *Cadet*, or Sisters Son, must have the Preference in Succession, if he has the same Title the first Lawful Prince had: and in Dominion that has its Foundation only in the positive appointment of God himself, *Benjamin* the youngest, must have the Inheritance of the Crown, if God so direct as well as one of that Tribe had the first possession.

§ 95 15–20 This passage may mark §§ 93, 94, 95 (wholly or partially) as an insertion of 1689. William was a '*Cadet*, or Sister's Son' with respect to the English Royal line, his mother being a sister of Charles II and James II. If this is the intention, William's claim is upheld as on a level with that of 'the first Lawful Prince'. Compare the Preface, line 6 and Lamprecht, 1918, 140.

96. *If Paternal Right*, the Act of *Begetting*, give a Man *Rule* and *Dominion*, Inheritance or Primogeniture can give no Title. For he that cannot succeed to his Fathers Title, which was *Begetting*, cannot succeed to that Power over his Brethren, which his Father had by Paternal Right over them. But of this I shall have occasion to say more in another place. This is plain in the mean time, that any Government, whether supposed to be at first founded in *Paternal Right*, *Consent of the People*, or the *positive Appointment of God himself*, which can supersede either of the other, and so begin a new Government upon a new Foundation, I say, any Government began upon either of these, can by Right of Succession come to those only, who have the Title of him, they succeed to. Power founded on *Contract*, can descend only to him, who has Right by that Contract: Power founded on *Begetting*, he only can have that *Begets*: And Power founded on the positive *Grant* or Donation of God, he only can have by Right of Succession, to whom that Grant directs it.

97. From what I have said, I think this is clear, that a Right to the use of the Creatures, being founded Originally in the Right a Man has to subsist and enjoy the conveniences of Life, and the natural Right Children have to inherit the Goods of their Parents, being founded in the Right they have to the same Subsistence and Commodities of Life, out of the Stock of their Parents, who are therefore taught by Natural Love and Tenderness to provide for them, as a part of themselves: and all this being only for the good of the Proprietor, or Heir; it can be no Reason for Childrens Inheriting of *Rule* and *Dominion*, which has another Original and a different end. Nor can Primogeniture have any Pretence to a Right of solely Inheriting either *Property* or *Power*, as we shall, in its due place, see more fully. 'Tis enough to have shew'd here, that *Adam*'s *Property*, or *Private Dominion*, could not convey any Sovereignty or Rule to his Heir, who not having a Right to inherit

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§ 96 6 'in another place'—this reads 'bye and bye' in the 1st edition. It seems to refer, then, to a later part of the *First Treatise*, and not to the *Second*, for chapter VI there, 'Of Paternal Power', contains no specific discussion of the political rights of an eldest brother. The most likely area of the text is I, §§ 110–19, though it is just conceivable that Locke intended some part of the lost portion.

§ 97 1–3 See I, § 92, 1–3, note and references.

12–13 Compare note on I, § 96, 6, though here the reference seems probably to be to I, § 111 on.

all his Fathers Possessions, could not thereby come to have any Sovereignty over his Brethren: and therefore if any Sovereignty on account of his *Property*, had been vested in *Adam*, which in Truth there was not; yet it would have Died with him.

98. As *Adam*'s Sovereignty, if by vertue of being Proprietor of the whole World, he had any Authority over Men, could not have been inherited by any of his Children over the rest, because they had the same Title to divide the Inheritance, and every one had a Right to a Portion of his Fathers Possessions: So neither could *Adam*'s Sovereignty by Right of *Fatherhood*, if any such he had, descend to any one of his Children. For it being in our *A*'s Account, a Right acquired by *Begetting* to Rule over those he had begotten, it was not a Power Possible to be Inherited, because the Right being consequent to, and built on, an Act perfectly Personal, made that Power so too, and impossible to be Inherited. For Paternal Power, being a Natural Right rising only from the relation of Father and Son, is as impossible to be Inherited as the Relation itself, and a Man may pretend as well to Inherit the Conjugal Power the Husband, whose Heir he is, had over his Wife, as he can to Inherit the Paternal Power of a Father over his Children. For the Power of the Husband being founded on Contract, and the Power of the Father on *Begetting*, he may as well Inherit the Power obtained by the conjugal contract, which was only Personal, as he may the Power obtained by Begetting, which could reach no farther then the Person of the Begetter, unless Begetting can be a Title to Power in him, that does not beget.

99. Which makes it a reasonable question to ask, Whether *Adam*, dying before *Eve*, his Heir (suppose *Cain* or *Seth*) should have had, by Right of Inheriting *Adam's Fatherhood*, Sovereign Power over *Eve* his Mother. For *Adam's Fatherhood* being nothing but a Right he had to Govern his Children, because he begot them, he that inherits *Adam's Fatherhood*, inherits nothing, even in our *A*'s Sense, but the Right *Adam* had to Govern his Children, because he begot them: So that the Monarchy of the Heir would not have taken in *Eve*, or if it did, it being nothing but the *Fatherhood of Adam* descended by inheritance, the Heir must have Right to Govern *Eve*, because *Adam* begot her; for *Fatherhood* is nothing else.

100. Perhaps it will be said with our *A*—— [231], that a Man can alien his Power over his Child, and what may be transfer'd by compact, may be possessed by Inheritance. I answer, a Father cannot alien the Power he has over his Child, he may perhaps to some degrees forfeit it, but cannot transfer it: and if any other Man acquire it, 'tis not by the Fathers Grant, but by some Act of his own. For Example, a Father, unnaturally careless of his Child, sells or gives him to another Man; and he again exposes him: a third Man finding him, breeds up, cherishes and provides for him as his own. I think in this Case, no body will doubt but that the greatest part of filial Duty and Subjection was here owing, and to be paid to this Foster-Father: and if any thing could be demanded from the Child, by either of the other, it could be only due to his Natural Father: who perhaps might have forfeited his Right to much of that Duty comprehended in the Command, *Honour your Parents*, but could transfer none of it to another. He that purchased, and neglected, the Child, got by his Purchase and Grant of the Father, no Title to Duty or Honour from the Child, but only he acquired it, who by his own Authority, performing the Office and Care of a Father, to the forlorn and Perishing Infant, made himself by Paternal Care, a Title to proportionable Degrees of Paternal Power. This will be more easily admitted upon Consideration of the Nature of Paternal Power, for which I refer my Reader to the Second Book.

101. To return to the Argument in hand: This is evident, That Paternal Power arising only from *Begetting*, for in that our *A*. places it alone, can neither be *transfer'd*, nor *inherited*: And he that does not beget, can no more have Paternal Power which arises from thence, than he can have a Right to any thing who performs not the Condition, to which only it is annexed. If one should ask, By what Law has a Father Power over his Children? It will be answered, no doubt, by the Law of Nature, which gives such a Power over them, to him that begets them. If one should

§ 100 7–10 Compare II, § 65, 5–7 and Tyrrell, 1681, 16. The whole discussion of the rights of fathers, foster-fathers and so on springing from their duty of *educating* children is very similar in Locke and Tyrrell, and may have a common source in Grotius, who denies that the *jus paternum* can be entirely alienated (1625, II, v, 26), though in section 5 he admits that under certain conditions a child can be pledged or sold.

23–4 This is the only reference in the *First Treatise* to the *Second Treatise* by name and it is very significant that it is called the second *Book*, not *Treatise*. See the Introduction, 50.

ask likewise, By what Law does our *A*'s Heir come by a Right to Inherit? I think it would be answered, By the Law of Nature too. For I find not that our *A*. brings one word of Scripture to prove the Right of such an Heir he speaks of: Why then the Law of Nature gives Fathers Paternal Power over their Children, because they did *beget* them, and the same Law of Nature gives the same Paternal Power to the Heir over his Brethren, who did not *beget* them: whence it follows, that either the Father has not his Paternal Power by begetting, or else that the Heir has it not at all: For 'tis hard to understand how the Law of Nature, which is the Law of Reason, can give the Paternal Power to the Father over his Children, for the only Reason of *Begetting*, and to the first-born over his Brethren without this only Reason, *i.e.* for no Reason at all: and if the Eldest, by the Law of Nature, can inherit this Paternal Power, without the only Reason that gives a Title to it, so may the Youngest as well as he, and a Stranger as well as either; for where there is no Reason for any one, as there is not, but for him that begets, all have an equal Title. I am sure our *A*. offers no Reason, and when any body does, we shall see whether it will hold or no.

102. In the mean time 'tis as good Sense to say, that by the Law of Nature a Man has Right to inherit the Property of another, because he is of Kin to him, and is known to be of his Blood, and therefore by the same Law of Nature, an utter Stranger to his Blood, has Right to inherit his Estate: As to say that by the Law of Nature he that begets them, has Paternal Power over his Children, and therefore by the Law of Nature the Heir that begets them not, has this Paternal Power over them: or supposing the Law of the Land gave Absolute Power over their Children, to such only who nursed them, and fed their Children themselves, could any body pretend that this Law gave any one, who did no such thing, Absolute Power over those, who were not his Children?

103. When therefore it can be shew'd, that conjugal Power can belong to him that is not an Husband, it will also I believe be proved, that our A——'s Paternal Power acquired by begetting, may be inherited by a Son, and that a Brother as Heir to his Fathers Power, may have Paternal Power over his Brethren, and by the same Rule conjugal Power too, but till then, I think we may rest satisfied, that the Paternal Power of *Adam*, this Sovereign

Authority of *Fatherhood*, were there any such, could not descend to, nor be inherited by, his next Heir. *Fatherly Power* I easily grant our A—— if it will do him any good, can never be loſt, because it will be as long in the World as there are Fathers: but none of them will have *Adam*'s Paternal Power, or derive theirs from him, but every one will have his own, by the same Title *Adam* had his, *viz.* by *Begetting*, but not by Inheritance or Succession, no more then Husbands have their conjugal Power by Inheritance from *Adam*. And thus we see as *Adam* had no such *Property*, no such *Paternal Power*, as gave him *Sovereign* Jurisdiction over Mankind; so likewise his Sovereignty built upon either of these Titles, if he had any such, could not have descended to his Heir, but muſt have ended with him. *Adam* therefore, as has been proved, being neither Monarch, nor his imaginary Monarchy hereditable, the Power which is now in the World, is not that which was *Adam*'s, since all that *Adam* could have upon our *A*'s grounds, either of *Property* or *Fatherhood*, necessarily Died with him, and could not be convey'd to Poſterity by Inheritance. In the next place we will consider whether *Adam* had any such Heir, to inherit his Power, as our *A*. talks of.

CHAP. X.

Of the Heir to Adam's *Monarchical Power.*

104. OUR *A*. tells us, *O*. 253. [288, 289] *That it is a truth undeniable, that there cannot be any Multitude of Men whatsoever, either great or small, tho' gathered together from the several corners and remoteſt Regions of the World, but that in the same Multitude considered by its self, there is one Man amongſt them, that in Nature hath a Right to be King of all the reſt, as being the next Heir to* Adam, *and all the other Subject to him, every Man by Nature is a King or a Subject.* And again, p. 20. [61] *If* Adam *himself were ſtill living, and now ready to die, it is certain that there is one Man, and but one in the World who is next Heir.* Let this *Multitude of Men* be, if our *A*. pleases, all the Princes upon the Earth, there will then be by our

A's Rule, *one amongſt them, that in Nature hath a Right to be King of all the reſt, as being the Right Heir to* Adam; an excellent way to Eſtablish the Thrones of Princes, and settle the Obedience of their Subjects, by setting up an Hundred, or perhaps a Thousand Titles (if there be so many Princes in the World) againſt any King now Reigning, each as good upon our *A*'s Grounds, as his who wears the Crown. If this Right of *Heir* carry any weight with it, if it be the *Ordinance of God*, as our *A*. seems to tell us, *O*. 244. [283] muſt not all be subject to it, from the higheſt to the loweſt? Can those who wear the Name of Princes, without having the Right of being *Heirs to* Adam, demand Obedience from their Subjects by this Title, and not be bound to pay it by the same Law? Either Governments in the World are not to be claim'd and held by this Title of *Adam*'s Heir, and then the ſtarting of it is to no purpose, the being or not being *Adam*'s Heir signifies nothing as to the Title of Dominion; or if it really be, as our *A*. says, the true Title to Government and Sovereignty, the firſt thing to be done, is to find out this true Heir of *Adam*, seat him in his Throne, and then all the Kings and Princes of the World ought to come and resign up their Crowns and Scepters to him, as things that belong no more to them, than to any of their Subjects.

105. For either this Right in Nature, of *Adam*'s Heir, to be King over all the race of Men, (for altogether they make one *Multitude*) is a Right not necessary to the making of a Lawful King, and so there may be Lawful Kings without it, and then Kings Titles and Power depend not on it, or else all the Kings in the World but one are not Lawful Kings, and so have no Right to Obedience: Either this Title of Heir to *Adam* is that whereby Kings hold their Crowns, and have a Right to Subjection from

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§ 105 On the argument of this paragraph, compare Sidney, *Discourses*, 1, 12, 24–5. Compare *First Treatise*, § 81, 24–7; § 110, 11; § 119, 32; § 120, 2; § 122, 2; § 125, 10; § 126, 28. In all these contexts the issue of conscience and government is confined to the straightforward question of recognizing who it is that the citizen must obey, and all the more complex and difficult discussion, so important to Locke's predecessors and his own generation, is left on one side. This is in marked contrast with such writers as Pufendorf, even with the younger Locke himself, for in his Latin essay on the civil magistrate he had put forward quite complicated arguments about conscience and obligation. Even in the notes he made on Filmer in 1679 (see Introduction, 58) 'resolving the conscience' was a point he picked upon. There are three further references in the *Second Treatise* (§ 8, 5; § 21, 23; § 209, 5) but little is added by them: conscience is neither defined nor discussed in this book, compare Introduction, 84.

their Subjects, and then one only can have it, and the rest being Subjects can require no Obedience from other Men, who are but their fellow Subjects, or else it is not the Title whereby Kings Rule, and have a Right to Obedience from their Subjects, and then Kings are Kings without it, and this Dream of the Natural Sovereignty of *Adam*'s Heir is of no use to Obedience and Government. For if Kings have a Right to Dominion, and the Obedience of their Subjects, who are not, nor can possibly be, Heirs to *Adam*, what use is there of such a Title, when we are obliged to Obey without it? If Kings, who are not Heirs to *Adam*, have no Right to Sovereignty, we are all free till our *A.* or any body for him, will shew us *Adam*'s right Heir. If there be but one Heir of *Adam*, there can be but one Lawful King in the World, and no body in Conscience can be obliged to Obedience till it be resolved who that is; for it may be any one who is not known to be of a Younger House, and all others have equal Titles. If there be more than one Heir of *Adam*, every one is his Heir, and so every one has Regal Power. For if two Sons can be Heirs together, then all the Sons are equally Heirs, and so all are Heirs, being all Sons, or Sons Sons of *Adam*. Betwixt these two the Right of Heir cannot stand: for by it either but one only Man, or all Men are Kings. Take which you please, it dissolves the Bonds of Government and Obedience: since if all Men are Heirs, they can owe Obedience to no body; if only one, no body can be obliged to pay Obedience to him, till he be known and his Title made out.

CHAP. XI.

Who HEIR?

106. THE great Question which in all Ages has disturbed Mankind, and brought on them the greatest part of those Mischiefs which have ruin'd Cities, depopulated Countries, and disordered the Peace of the World, has been, Not whether there be Power in the World, nor whence it came, but who should

have it. The settling of this point being of no smaller moment than the security of Princes, and the peace and welfare of their Estates and Kingdoms, a Reformer of Politicks, one would think, should lay this sure, and be very clear in it. For if this remain disputable, all the rest will be to very little purpose; and the skill used in dressing up Power with all the Splendor and Temptation Absoluteness can add to it, without shewing who has a Right to have it, will serve only to give a greater edge to Man's Natural Ambition, which of it self is but too keen. What can this do but set Men on the more eagerly to scramble, and so lay a sure and lasting Foundation of endless Contention and Disorder, instead of that Peace and Tranquility, which is the business of Government, and the end of Humane Society?

107. This Designation of the person our *A.* is more than ordinarily obliged to take care of, because he, affirming that *the Assignment of Civil Power is by Divine Institution*, hath made the Conveyance as well as the Power it self Sacred: so that no Consideration, no Act or Art of Man can divert it from that Person, to whom by this Divine Right, it is assigned, no Necessity or Contrivance can substitute another Person in his room. For if the *Assignment of Civil Power be by Divine Institution*; and *Adam*'s *Heir* be he, to whom it is thus Assigned, as in the foregoing Chapter our *A.* tells us, it would be as much Sacriledge for any one to be King, who was not *Adam*'s Heir, as it would have been amongst the *Jews*, for any one to have been *Priest*, who had not been of *Aarons* Posterity: For *not only* the Priesthood *in general being by Divine Institution, but the Assignment of it* to the Sole Line and Posterity of *Aaron*, made it impossible to be enjoy'd or exercised by any one, but those Persons, who are the Off-spring of *Aaron*: whose Succession therefore was carefully observed, and by that the Persons who had a Right to the Priesthood certainly known.

108. Let us see then what care our *A.* has taken, to make us know who is this *Heir*, who *by Divine Institution, has a right to be*

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§ 107 8 At this point ends a passage covering five pages in the 1st edition (133–7 of its pages, beginning at § 104) minutely corrected by Locke for the 2nd.

9–10 This cannot refer to a foregoing chapter of *Patriarcha*, since Locke has only discussed the first chapter, and in his text as we have it he never goes further. It must then intend Locke's own previous chapter, chapter X. This reference is the result of a correction for the 2nd edition, 1694.

King over all Men. The first account of him we meet with is *p.* 12. [57] in these words: *This Subjection of Children, being the Fountain of all Regal Authority, by the Ordination of God himself; it follows, that Civil Power not only in general, is by Divine Institution, but even the Assignment of it specifically to the Eldest Parents.* Matters of such Consequence as this is, should be in plain words, as little liable as might be to Doubt or Equivocation; and I think if Language be capable of expressing any thing distinctly and clearly, that of Kindred, and the several Degrees of nearness of Blood, is one. It were therefore to be wish'd, that our *A.* had used a little more intelligible Expressions here, that we might have better known who it is, to whom the *Assignment of Civil Power* is made by *Divine Institution*, or at least would have told us what he meant by *Eldest Parents*. For I believe if Land had been Assigned or Granted to him, and the *Eldest Parents* of his Family, he would have thought it had needed an Interpreter, and 'twould scarce have been known to whom next it belong'd.

109. In propriety of Speech, and certainly Propriety of Speech is necessary in a Discourse of this Nature, *Eldest Parents* signifies either the Eldest Men and Women that have had Children, or those who have longest had Issue: and then our *A*'s Assertion will be, That those Fathers and Mothers who have been longest in the World, or longest Fruitful, have by *Divine Institution* a Right to *Civil Power*. If there be any Absurdity in this, our *A.* must answer for it: and if his Meaning be different from my Explication, he is to be blam'd, that he would not speak it plainly. This I am sure, *Parents* cannot signifie Heirs Male, nor *Eldest Parents* an Infant Child: who yet may sometimes be the true Heir, if there can be but one. And we are hereby still as much at a loss, who *Civil Power* belongs to, notwithstanding this *Assignment by Divine Institution*, as if there had been no such *Assignment* at all, or our *A.* had said nothing of it. This of *Eldest Parents* leaving us more in the dark, who by *Divine Institution* has a Right to *Civil Power*, than those who never heard any thing at all of *Heir*, or descent, of which our *A.* is so full. And though the chief matter of his Writings be to teach Obedience to those who have a Right to it, which he tells us is conveyed by descent, yet who those are to

§ 109 1–2 On this and 1, § 108 compare 1, § 23, 22–5 and note.

whom this Right by descent belongs, he leaves like the Philosophers Stone in Politicks, out of the reach of any one to discover from his Writings.

110. This obscurity cannot be imputed to want of Language in so great a Master of Style as Sir *Robert* is, when he is resolved with himself what he would say: and therefore, I fear, finding how hard it would be to settle Rules of descent by Divine Institution, and how little it would be to his purpose, or conduce to the clearing and establishing the Titles of Princes, if such Rules of descent were settled, he chose rather to content himself with doubtful and general terms, which might make no ill sound in Mens Ears, who were willing to be pleas'd with them, rather than offer any clear Rules of descent of this *Fatherhood* of *Adam*, by which Mens Consciences might be satisfied to whom it descended, and know the Persons who had a Right to Regal Power, and with it to their Obedience.

111. How else is it possible, that laying so much stress as he does upon *descent*, and *Adam*'s *Heir*, *next Heir*, *true Heir*, he should never tell us what *Heir* means, nor the way to know who the *next* or *true Heir* is. This I do not remember he does any where expresly handle, but where it comes in his way very warily and doubtfully touches: though it be so necessary that without it all Discourses of Government and Obedience upon his Principles would be to no purpose, and *Fatherly Power*, never so well made out, will be of no use to any body. Hence he tells us, *O.* 244. [283] *That not only the Constitution of Power in general, but the limitation of it to one kind*, (i.e.) *Monarchy and the Determination of it to the individual Person and Line of* Adam, *are all three Ordinances of God, neither* Eve *nor her Children could either limit* Adam*'s Power, or joyn others with him*; *and what was given unto* Adam *was given in his Person to his Posterity*. Here again our *A.* informs us, that the *Divine Ordinance* hath limited the descent of *Adam*'s Monarchical Power. To whom? *To* Adam*'s Line and Posterity*, says our *A.*

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§ 109 21–2 'the Philosophers Stone', the substance capable of changing baser material into gold or silver, the supreme object of alchemy. For all his rationalistic contempt of Filmer, Locke was interested in alchemy, and it is a remarkable fact that Robert Boyle left to Locke and Newton a recipe for increasing gold, which Locke seems to have worked at. See Cranston, 1957.

A notable *Limitation*, a *Limitation* to all Mankind. For if our *A.* can find any one amongſt Mankind that is not of the *Line* and *Poſterity* of *Adam*, he may perhaps tell him who this next Heir of *Adam* is: But for us, I despair how this *Limitation* of *Adam*'s Empire to his *Line* and *Poſterity* will help us to find out *one Heir.* This *Limitation* indeed of our *A.* will save those the labour who would look for him amongſt the Race of Bruits, if any such there were; but will very little contribute to the discovery of *one next Heir* amongſt Men, though it make a short and easie determination of the Queſtion about the descent of *Adam*'s Regal Power, by telling us, that the *Line* and *Poſterity* of *Adam* is to have it, that is in plain *English*, any one may have it, since there is no Person living that hath not the Title of being of the *Line* and *Poſterity* of *Adam*, and while it keeps there, it keeps within our *A*'s Limitation by God's Ordinance. Indeed, *p.* 19. [61] he tells us, that *such Heirs are not only Lords of their own Children, but of their Brethren*, whereby, and by the words following, which we shall consider anon, he seems to insinuate that the Eldeſt Son is *Heir*: but he no where, that I know, says it in direct words, but by the inſtances of *Cain* and *Jacob* that there follow, we may allow this to be so far his Opinion concerning Heirs, that where there are divers Children, the Eldeſt Son has the Right to be *Heir.* That Primogeniture cannot give any Title to Paternal Power we have already shew'd. That a Father may have a Natural Right to some kind of Power over his Children, is easily granted, but that an Elder Brother has so over his Brethren remains to be proved. God or Nature has not any where, that I know, placed such Jurisdiction in the Firſt-born, nor can Reason find any such Natural Superiority amongſt Brethren. The Law of *Moses* gave a double Portion of the Goods and Possessions to the Eldeſt, but we find not any where that naturally, or by *God's Inſtitution*, Superiority or Dominion belong'd to him, and the Inſtances there brought by our *A.* are but slender Proofs of a Right to Civil Power and Dominion in the Firſt-born, and do rather shew the contrary.

112. His words are in the forecited place [61]: *And therefore we find God told* Cain *of his Brother* Abel; *his desire shall be Subject unto thee, and thou shalt Rule over him.* To which I answer,

1. These words of God to *Cain*, are by many Interpreters with

great Reason, understood in a quite different Sense than what our *A.* uses them in.

2. Whatever was meant by them, it could not be, that *Cain* as Elder, had a natural Dominion over *Abel*; for the words are conditional: *If thou dost well* and so personal to *Cain*, and whatever was signified by them, did depend on his Carriage and not follow his Birth-right, and therefore could by no means be an Establishment of Dominion in the First-born in general. For before this *Abel* had his *distinct Territories by Right of Private Dominion*, as our *A.* himself confesses, *O.* 210. [64] which he could not have had to the prejudice of the Heirs Title, *If by Divine Institution, Cain* as Heir were to inherit all his Father's Dominion.

3. If this were intended by God as the Charter of Primogeniture, and the Grant of Dominion to Elder Brothers in general as such, by Right of Inheritance, we might expect it should have included all his Brethren. For we may well suppose, *Adam*, from whom the World was to be peopled, had by this time, that these were grown up to be Men, more Sons than these two: whereas *Abel* himself is not so much as named; and the words in the Original, can scarce, with any good Construction, be applied to him.

4. It is too much to build a Doctrine of so mighty consequence upon so doubtful and obscure a place of Scripture, which may be well, nay better, understood in a quite different Sense, and so can be but an ill Proof, being as doubtful as the thing to be proved by it, especially when there is nothing else in Scripture or Reason to be found, that favours or supports it.

113. It follows, *p.* 19. [61] *Accordingly when Jacob bought his Brothers Birth-right, Isaac blessed him thus; be Lord over thy Brethren, and let the Sons of thy Mother bow before thee.* Another instance I take it, brought by our *A.* to evince Dominion due to Birth-right, and an admirable one it is. For it must be no ordinary way of reasoning in a Man, that is pleading for the natural Power of Kings, and against all compact to bring for Proof of it, an example where his own account of it founds all the right upon compact, and settles Empire in the Younger Brother, unless buying and selling be no compact; for he tells us, *when Jacob bought his Brothers Birth-right.* But passing by that, let us consider the History it self, with what use our *A.* makes of it, and we shall find these following Mistakes about it.

1°. That our *A.* reports this, as if *Isaac* had given *Jacob* this Blessing, immediately upon his Purchasing the *Birth-right*; for he says, *when Jacob bought Isaac blessed him*, which is plainly otherwise in the Scripture. For it appears there was a distance of time between, and if we will take the Story in the order it lies, it must be no small distance; all *Isaac*'s Sojourning in *Gerar*, and Transactions with *Abimelech*, *Gen.* 26. coming between, *Rebeka* being then Beautiful and consequently young, but *Isaac* when he Blessed *Jacob*, was old and decrepit; And *Esau* also complains of *Jacob*, *Gen.* 27. 36. that *two times* he had Supplanted him, *he took away my Birth-right*, says he, *and behold now he hath taken away my Blessing*; words, that I think signifie distance of time and difference of Action.

2°. Another mistake of our *A*'s, is, that he supposes *Isaac* gave *Jacob* the *Blessing*, and bid him be *Lord over his Brethren*, because he had the *Birth-right*: for our *A.* brings this Example to prove, that he, that has the *Birth-right*, has thereby a right to *be Lord over his Brethren.* But it is also manifest by the Text, that *Isaac* had no consideration of *Jacobs* having bought the Birth-right, for when he blessed him, he considered him not as *Jacob*, but took him for *Esau.* Nor did *Esau* understand any such connection between *Birth-right* and the *Blessing*, for he says, *he hath Supplanted me these two times, he took away my Birth-right, and behold now he hath taken away my Blessing*: whereas had the *Blessing*, which was to be *Lord over his Brethren*, belong'd to the *Birth-right*, *Esau* could not have complain'd of this second as a Cheat, *Jacob* having got nothing but what *Esau* had sold him, when he sold him his *Birth-right*: so that it is plain, Dominion, if these words signifie it, was not understood to belong to the *Birth-right.*

114. And that in those days of the Patriarchs, Dominion was not understood to be Right of the Heir, but only a greater Portion of Goods, is plain from *Gen.* 21. 10. for *Sarah* taking *Isaac* to be Heir, says, *Cast out this Bond-woman and her Son, for the Son of this Bond-woman shall not be Heir with my Son*: whereby could be meant nothing, but that he should not have a pretence to an equal share of his Fathers Estate after his death, but should have his Portion presently and be gone. Accordingly we read, *Gen.* 25. 5, 6. That *Abraham gave all that he had unto Isaac, but unto the Sons of the Concubines which Abraham had, Abraham gave Gifts and sent them*

away from Isaac his Son, while he yet lived: That is, *Abraham* having given Portions to all his other Sons, and sent them away, that which he had reserved, being the greatest part of his Substance, *Isaac* as Heir Possessed after his Death, but by being Heir, he had no Right to be *Lord over his Brethren*; for if he had, why should *Sarah* endeavour to Rob him of one of his *Subjects*, or lessen the number of his *Slaves*, by desiring to have Ishmael sent away.

115. Thus, as under the Law, the Priviledge of *Birth-right* was nothing but a double Portion, so we see that before *Moses* in the Patriarchs time, from whence our *A.* pretends to take his Model, there was no knowledge, no thought, that Birth-right gave Rule or Empire, Paternal or Kingly Authority, to any one over his Brethren. If this be not plain enough in the Story of *Isaac* and *Ishmael*, he that will look into 1 *Chron.* 5.12. may there read these words, *Ruben was the first Born, but forasmuch as he defiled his Fathers Bed, his Birth-right was given unto the Sons of Joseph, the Son of Israel, and the Genealogy is not to be reckon'd after the Birth-right; for Judah prevailed above his Brethren, and of him came the chief Ruler, but the Birth-right was Joseph's*: what this Birth-right was, *Jacob* Blessing *Joseph*, *Gen.* 48. 22. telleth us in these words, *Moreover I have given thee one Portion above thy Brethren, which I took out of the Hand of the Amorite, with my Sword and with my Bow.* Whereby it is not only plain, that the Birth-right was nothing but a double Portion, but the Text in *Chron.* is express against our *A*'s Doctrine, and shews that Dominion was no part of the Birth-right. For it tells us that *Joseph* had the Birth-right, but *Judah* the Dominion. One would think our *A.* were very fond of the very name of *Birth-right* when he brings this Instance of *Jacob* and *Esau*, to prove that Dominion belongs to the Heir over his Brethren.

116. 1°. Because it will be but an ill example to prove, that Dominion by God's Ordination belonged to the Eldest Son, because *Jacob* the Youngest here had it, let him come by it how he would. For if it prove any thing, it can only prove against our *A.* that the *Assignment of Dominion to the Eldest, is not by Divine Institution*, which would then be unalterable. For if by the Law of God, or Nature, Absolute Power and Empire belongs to the Eldest Son and his Heirs, so that they are Supream Monarchs, and all the rest of their Brethren Slaves, our *A.* gives us reason to doubt whether the Eldest Son has a Power to part with it, to

the Prejudice of his Posterity, since he tells us, *O.* 158. [233] That *in Grants and Gifts that have their Original from God or Nature, no inferior Power of Man can limit, or make any Law of Prescription against them.*

117. 2°. Because this place, *Gen.* 27. 29. brought by our *A.* concerns not at all the Dominion of one Brother over the other, nor the Subjection of *Esau* to *Jacob.* For 'tis plain in the History, that *Esau* was never Subject to *Jacob*, but lived a part in Mount *Seir*, where he founded a distinct People and Government, and was himself Prince over them, as much as *Jacob* was in his own Family. This Text if considered, can never be understood of *Esau* himself, or the Personal Dominion of *Jacob* over him: For the words *Brethren* and *Sons of thy Mother*, could not be used literally by *Isaac*, who knew *Jacob* had only one Brother; and these words are so far from being true in a literal Sense, or Establishing any Dominion in *Jacob* over *Esau*, that in the Story we find the quite contrary, for *Gen.* 32. *Jacob* several times calls *Esau* Lord and himself his Servant, and *Gen.* 33. *he bowed himself seven times to the ground to* Esau. Whether *Esau* then were a Subject and Vassal, nay (as our *A.* tells us, all Subjects are) Slave to *Jacob*, and *Jacob* his Sovereign Prince by Birth-right, I leave the Reader to Judge; and to believe if he can, that these words of *Isaac*, *be Lord over thy Brethren, and let thy Mothers Sons bow down to thee*, confirm'd *Jacob* in a Sovereignty over *Esau*, upon the account of the *Birthright* he had got from him.

118. He that reads the Story of *Jacob* and *Esau*, will find there was never any Jurisdiction or Authority, that either of them had over the other after their Father's Death: they lived with the Friendship and Equality of Brethren, neither *Lord*, neither *Slave* to his Brother, but independent each of other, were both heads of their distinct Families, where they received no Laws from one another, but lived separately, and were the Roots out of which sprang two distinct Peoples, under two distinct Governments. This Blessing then of *Isaac*, whereon our *A.* would Build the Dominion of the Elder Brother, signifies no more but what

§ 117 4–5 'Mount *Seir*'—compare II, § 38, 30–2. The foundation of a 'distinct People and Government' by one man and his family is described at length in chapter VIII of the *Second Treatise*, 'Of the Beginning of Political Societies'; see especially § 105 on.

Rebecca had been told from God, Gen. 25. 23. *Two Nations are in thy Womb, and two manner of People, shall be separated from thy Bowels, and the one People shall be ſtronger than the other People, and the Elder ſhall ſerve the Younger*; And so *Jacob* Bleſſed *Judah*, *Gen.* 49. and gave him the Scepter and Dominion, from whence our *A.* might have argued as well, that Juriſdiction and Dominion belongs to the third Son over his Brethren, as well as from this Bleſſing of *Iſaac*, that it belonged to *Jacob*: Both these places contain only Predictions of what should long after happen to their Poſterities, and not any declaration of the Right of Inheritance to Dominion in either. And thus we have our *A*'s two great and only Arguments to prove, that *Heirs are Lords over their Brethren.*

1°. Because God tells *Cain*, *Gen.* 4. That however sin might set upon him, he ought or might be Maſter of it: For the moſt Learned Interpreters underſtand the words of sin, and not of *Abel*, and give so ſtrong Reasons for it, that nothing can convincingly be inferr'd from so doubtful a Text, to our *A*'s purpose.

2°. Because in this of *Gen.* 27. *Isaac* foretels that the *Iſraelites*, the Poſterity of *Jacob*, should have Dominion over the *Edomites*, the Poſterity of *Esau*; therefore says our *A. Heirs are Lords of their Brethren*: I leave any one to judge of the Conclusion.

119. And now we see how our *A.* has provided for the descending and conveyance down of *Adam*'s Monarchical Power, or Paternal Dominion to Poſterity, by the Inheritance of his *Heir*, succeeding to all his Father's Authority, and becoming upon his Death as much Lord as his Father was, *not only over his own Children, but over his Brethren*, and all descended from his Father, and so *in infinitum*. But yet who this Heir is, he does not once tell us; and all the light we have from him in this so Fundamental a Point, is only that in his inſtance of *Jacob*, by using the word *Birth-right*, as that which passed from *Esau* to *Jacob*, he leaves us to guess, that by Heir, he means the Eldeſt Son, though I do not remember he any where mentions expresly the Title of the Firſt-born, but all along keeps himself under the shelter of the indefinite Term *Heir*. But taking it to be his meaning, that the Eldeſt Son is Heir, (for if the Eldeſt be not, there will be no pretence why the Sons should not be all Heirs alike) and so by Right of Primogeniture has Dominion over his Brethren; this is but one ſtep towards the Settlement of Succeſſion, and the difficulties remain ſtill as

much as ever, till he can shew us who is meant by Right Heir, in all those cases which may happen where the present Possessor hath no Son. This he silently passes over, and perhaps wisely too: For what can be wiser after one has affirm'd, That *the Person having that Power, as well as the Power and Form of Government, is the Ordinance of God,* and *by Divine Institution,* vid. O. 254. [289] *p.* 12. [57] than to be careful, not to start any Question concerning the Person, the resolution whereof will certainly lead him into a Confession, that God and Nature hath determined nothing about him. And if our A. cannot shew who by Right of Nature, or a clear positive Law of God, has the next Right to inherit the Dominion of this Natural Monarch, he has been at such pains about, when he died without a Son, he might have spared his pains in all the rest, it being more necessary for the setling Mens Consciences, and determining their Subjection and Allegiance, to shew them who by Original Right, Superior and Antecedent to the Will, or any Act of Men, hath a Title to this *Paternal Jurisdiction,* than it is to shew that by Nature there was such a *Jurisdiction*: it being to no purpose for me to know there is such a *Paternal Power,* which I ought, and am disposed to obey, unless where there are many Pretenders, I also know the Person that is rightly invested and endow'd with it.

120. For the main matter in question being concerning the Duty of my Obedience, and the Obligation of Conscience I am under to pay it to him that is of right my Lord and Ruler, I must know the Person that this Right of Paternal Power resides in, and so impowers him to claim Obedience from me. For let it be true what he says, *p.* 12. [57] That *Civil Power not only in general is by Divine Institution, but even the assignment of it specifically to the Eldest Parents*; and O. 254. [289] *That not only the Power or Right of*

§ 119 21 'This he silently passes over'—Pareyson comments here that Filmer does in fact provide for such a case in his section on the *Escheating of Kingdoms* (61–2), where 'heads of families and Princes of provinces...have power to consent in the uniting or conferring of their fatherly right'. Sidney comments on this in *Discourses,* 1, 19, and Tyrrell (1681), 54, but Locke does not in the text we now have, although it raises the whole issue between natural and conventional in the origin of political power. It seems not unlikely that Locke did comment, and at length, on Filmer's concession to election and consent in this case, but in the lost part of his work. Here he is merely registering Filmer's unwillingness to be specific about the rules of inheritance, which Tyrrell also notices: 'he nowhere positively answers this important Question' (1681, 45).

Government, but the Form of the Power of Governing, and the person having that power, are all the Ordinance of God; yet unless he shew us in all Cases who is this Person, *Ordain'd* by God, who is this *Eldeſt Parent*, all his Abſtract Notions of Monarchical Power will signifie juſt nothing, when they are to be reduced to Practice, and Men are conscientiously to pay their Obedience. For *Paternal Juriſdiction* being not the thing to be obeyed, because it cannot command, but is only that which gives one Man a Right, which another hath not, and if it come by Inheritance, another Man cannot have, to command and be Obey'd; it is ridiculous to say, I pay Obedience to the *Paternal Power*, when I obey him, to whom Paternal Power gives no Right to my Obedience; for he can have no Divine Right to my Obedience, who cannot shew his Divine Right to the Power of ruling over me, as well as that by Divine Right, there is such a Power in the World.

121. And hence not being able to make out any Princes Title to Government, as Heir to *Adam*, which therefore is of no use, and had been better let alone, he is fain to resolve all into present Possession, and makes Civil Obedience as due to an *Usurper* as to a lawful King; and thereby the *Usurper*'s Title as good. His words are, *O.* 253. [289] And they deserve to be remembred: *If an Usurper diſpoſſeſs the true Heir, the Subjects Obedience to the Fatherly Power muſt go along and wait upon God's Providence.* But I shall leave his Title of Usurpers to be examin'd in its due place, and desire my ſober Reader to consider what thanks Princes owe such Politicks as this, which can suppose *Paternal Power* (*i.e.*) a Right to Government in the Hands of a *Cade*, or a *Cromwel*, and so all Obedience being due to Paternal Power, the Obedience of Subjects will be due to them by the same Right, and upon as good Grounds as it is to lawful Princes; and yet this, as dangerous a Doctrine as it is, muſt necessarily follow from making all Political

§ 121 9 The 'due place' was almost certainly a part of the lost continuation of the *First Treatise*; see the reference to usurpation in Locke's Preface, where he implies that this subject was discussed there, lines 29–30. In his two-paragraph chapter XVII of the *Second Treatise*, 'Of Usurpation', Locke does not discuss 'his', that is Filmer's, 'Title of Usurpers'.

12 'Cromwel' is discussed in the note to 1, § 79, 1: Jack Cade was the leader of the Kentish uprising of 1450, which had also become a symbol for popular revolt, compare the note on Masaniello, 1, § 79, 3. In 1680 John Crowne published a play about Cade, *The Misery of Civil War*, acted in 1681.

Power to be nothing else but *Adam*'s Paternal Power by Right and *Divine Institution*, descending from him, without being able to shew to whom it descended, or who is Heir to it.

122. To settle Government in the World, and to lay Obligations to Obedience on any Mans Conscience, it is as necessary (supposing with our *A.* that all Power be nothing but the being possessed of *Adam's Fatherhood*) to satisfie him, who has a Right to this Power, this *Fatherhood*, when the Possessor dies without Sons to succeed immediately to it, as it was to tell him that upon the death of the Father, the Eldest Son had a Right to it: For it is still to be remember'd, that the great Question is, (and that which our *A.* would be thought to contend for, if he did not sometimes forget it) what Persons have a Right to be obeyed, and not whether there be a Power in the World, which is to be called *Paternal*, without knowing in whom it resides: for so it be a Power, *i.e.* Right to Govern, it matters not, whether it be termed *Paternal*, or *Regal*; *Natural*, or *acquired*; whether you call it *Supreme Fatherhood*, or *Supreme Brotherhood*, will be all one provided we know who has it.

123. I go on then to ask whether in the inheriting of this *Paternal Power*, this *Supreme Fatherhood*, The Grand-Son by a Daughter, hath a Right before a Nephew by a Brother? Whether the Grand-Son by the Eldest Son, being an Infant, before the Younger Son a Man and able? Whether the Daughter before the Uncle? or any other Man, descended by a Male Line? Whether

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§ 123 The objections in the paragraph look a little far-fetched, since Filmer and his supporters had assumed the validity of the rules which in fact governed the succession of the English Crown. The important point is hinted at in lines 11–12, where Locke implies that on Filmer's premises such rules cannot merely be the 'Municipal or Positive Laws' of one country (compare note on 1, § 90, 29–31), but must be a part of natural law: Tyrrell (1681, 54 on) spends a great deal of time showing that 'there is nothing but custom in the case' and Sidney (*Discourses*, 1, 18) takes Filmer up on it. Such issues were a standard subject of the natural-law theorists, and these questions of Locke's could almost have been translated from the section headings xxx–xxxvii of chapter vii of the Second Book of Grotius, *De Jure Belli*. It must be remembered that the issues of 'the Elder Son by a Concubine' (8) and 'the difference between a Wife and a Concubine' (11) were crucial to Locke when he wrote this, because the claimant to the throne adopted by Shaftesbury against the future James II was the Duke of Monmouth, Charles II's eldest son by a concubine. To establish the precedency of Monmouth over all other claimants, William Lawrence was enabled by Shaftesbury in 1681 to publish the second part of his *Marriage by the Morall Law of God* (see Furley, 1957, 21, note 11). Locke owned this book. (H. and L. 1693).

a Grand-Son by a Younger Daughter, before a Grand-Daughter by an Elder Daughter? Whether the Elder Son by a Concubine, before a Younger Son by a Wife? From whence also will arise many Questions of Legitimation, and what in Nature is the difference betwixt a Wife and a Concubine? For as to the Municipal or Positive Laws of Men, they can signifie nothing here. It may farther be asked, Whether the Eldest Son being a Fool, shall inherit this *Paternal Power*, before the Younger a wise Man? And what Degree of Folly it must be, that shall exclude him? And who shall be judge of it? Whether the Son of a Fool excluded for his Folly, before the Son of his wise Brother who Reign'd? Who has the *Paternal Power*, whilst the Widow-Queen is with Child by the deceased King, and no body knows whether it will be a Son or a Daughter? Which shall be Heir of two Male-Twins, who by the Dissection of the Mother, were laid open to the World? Whether a Sister by the half Blood, before a Brothers Daughter by the whole Blood?

124. These, and many more such Doubts, might be proposed about the Titles of Succession, and the Right of Inheritance; and that not as idle Speculations, but such as in History we shall find, have concerned the Inheritance of Crowns and Kingdoms; and if ours want them, we need not go farther for famous Examples of it, than the other Kingdom in this very Island, which having been fully related by the Ingenious and Learned Author of *Patriarcha non Monarcha*, I need say no more of. Till our *A.* hath resolved all the Doubts that may arise about the next Heir,

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§ 124 6 and 7–8 James Tyrrell was of course the author of *Patriarcha non Monarcha* (1681), published in the middle of 1681 and acquired by Locke on 2 June; see Introduction, 57–61, for this book and for the relationship between Locke and Tyrrell when it was being written. This is the only specific acknowledgement to the work, but the parallel passages between it and Locke's noted in this edition show how close the two men were. In Tyrrell's letter of 20 December 1689 referring to *Two Treatises* (see Introduction, 52) he says, evidently with this reference in mind, that the writer concerned 'speaks of the author of *Patriarcha non Monarcha* more respectful than he deserves', and writing to Locke on 30 August 1690 he adds that the author of *Two Treatises* 'agreed perfectly with my conceptions in *Patriarcha non Monarcha* (which he had quoted)'.

Locke presumably intended here pp. 54–60 of Tyrrell's book, dealing with the succession of uncle or nephew, son or grandson, bastard or legitimate in Navarre, Castile, Portugal, among the Moguls of India and especially, and at length, in Scotland—'the other Kingdom of this very Island', which was also Lawrence's favourite source of illustration—see note on 1, § 123.

and shewed that they are plainly determin'd by the Law of Nature, or the revealed Law of God, all his Suppositions of a *Monarchical*, *Absolute*, *Supreme*, *Paternal Power* in *Adam*, and the descent of that Power to his Heirs, would not be of the least use to Establish the Authority, or make out the Title of any one Prince now on Earth, but would rather unsettle and bring all into question: For let our *A.* tell us as long as he please, and let all Men believe it too, that *Adam* had a *Paternal*, and thereby *a Monarchical Power*; That this (the only Power in the World) *descended to his Heirs*, and that there is no other Power in the World but this: let this be all as clear Demonstration, as it is manifest Error, yet if it be not past doubt, to whom this *Paternal Power descends*, and whose now it is, no body can be under any Obligation of Obedience, unless any one will say, that I am bound to pay Obedience to *Paternal Power* in a Man, who has no more *Paternal Power* than I my self; which is all one as to say, I obey a Man, because he has a Right to Govern, and if I be asked, How I know he has a Right to Govern, I should answer, It cannot be known, that he has any at all. For that cannot be the reason of my Obedience, which I know not to be so; much less can that be a reason of my Obedience, which no body at all can know to be so.

125. And therefore all this ado about *Adam*'s *Fatherhood*, the greatness of its Power, and the necessity of its supposal, helps nothing to Establish the Power of those that Govern, or to determine the Obedience of Subjects, who are to obey, if they cannot tell whom they are to obey, or it cannot be known who are to Govern, and who to Obey. In the State the world now is, irrecoverably ignorant who is *Adam*'s heir, this *Fatherhood*, this *Monarchical Power of Adam* descending to his Heirs, would be of no more Use to the Government of Mankind, than it would be to the quieting of Mens Consciences, or securing their Healths, if our *A.* had assured them, that *Adam* had a *Power* to forgive Sins or cure Diseases, which by Divine Institution descended to his *Heir*, whilst this Heir is impossible to be known. And should not he do as rationally, who upon this assurance of our *A.* went and confessed his Sins, and expected a good Absolution, or took Physick with expectation of Health from any one who had taken on himself the Name of Priest or Physician, or thrust himself into those Employments, saying, I acquiesce in the Absolving

Power descending from *Adam*, or I shall be cured by the Medicinal Power descending from *Adam*; as he who says, I submit to, and obey the *Paternal Power* descending from *Adam*, when 'tis confessed all these Powers descend only to his single Heir, and that Heir is unknown.

126. 'Tis true, the Civil Lawyers have pretended to determine some of these Cases concerning the Succession of Princes; but by our *A*'s Principles, they have medled in a matter that belongs not to them: For if all Political Power be derived only from *Adam*, and be to descend only to his Successive Heirs, by the *Ordinance of God* and *Divine Institution*, this is a Right Antecedent and Paramount to all Government; and therefore the positive Laws of Men, cannot determine that which is it self the Foundation of all Law and Government, and is to receive its Rule only from the Law of God and Nature. And that being silent in the Case, I am apt to think there is no such Right to be conveyed this way: I am sure it would be to no purpose if there were, and Men would be more at a loss concerning Government and Obedience to Governours, then if there were no such Right: since by positive Laws and Compact, which *Divine Institution* (if there be any) shuts out, all these endless inextricable Doubts, can be safely provided against; but it can never be understood, how a Divine Natural Right, and that of such moment as is all Order and Peace in the World, should be convey'd down to Posterity, without any Plain Natural or Divine Rule concerning it. And there would be an end of all Civil Government, if the *Assignment* of Civil Power were by *Divine Institution* to the Heir, and yet *by that Divine Institution*, the Person of the Heir could not be known. This *Paternal Regal Power*, being by Divine Right only his, it leaves no room for humane prudence, or consent to place it any where else: for if only one Man hath a Divine Right to the Obedience of Mankind, no body can claim that Obedience, but he that can shew that Right; nor can Mens Consciences by any other pretence be obliged to it. And thus this Doctrine cuts up all Government by the Roots.

§ 126 1 'Civil Lawyers', the professors of the Civil or Roman Law of Locke's day, and right back to the age of Justinian: writers such as Grotius and Pufendorf are probably intended to be included here. Filmer quotes the Civil Law frequently, but not on the point of succession, but Locke was indifferent to Roman Law as such, though he possessed his *Institutes* and *Corpus Juris Civilis*. (H. and L. 1598 and 1599). On this paragraph compare Tyrrell (1681), 54, and Sidney, 1, § 18.

127. Thus we see how our *A.* laying it for a sure Foundation, that the very *Person* that is to Rule, is *the Ordinance* of God, and by *Divine Institution*, tells us at large, only that this Person is the *Heir*, but who this Heir is, he leaves us to guess; and so this *Divine Institution* which Assigns it to a Person, whom we have no Rule to know, is just as good as an Assignment to no body at all. But whatever our *A.* does, *Divine Institution* makes no such ridiculous Assignments: nor can God be supposed to make it a Sacred Law, that one certain Person should have a Right to something, and yet not to give Rules to mark out, and know that Person by, or give an *Heir* a Divine Right to Power, and yet not point out who that *Heir* is. 'Tis rather to be thought, that an *Heir*, had no such Right by *Divine Institution*, than that God should give such a Right to the *Heir*, but yet leave it doubtful, and undeterminable who such Heir is.

128. If God had given the Land of *Canaan* to *Abraham*, and in general Terms to some body after him, without naming his Seed, whereby it might be known, who that some body was, it would have been as good and useful an Assignment, to determine the Right to the Land of *Canaan*, as it would to the determining the Right of Crowns, to give Empire to *Adam* and his Successive Heirs after him, without telling who his Heir is: For the word *Heir*, without a Rule to know who it is, signifies no more than somebody, I know not whom. God making it a *Divine Institution*, that Men should not marry those who were *near of Kin*, thinks it not enough to say, *none of you shall approach to any that is near of Kin to him, to uncover their Nakedness*: But Moreover, gives Rules to know who are those *near of Kin*, forbidden by *Divine Institution*, or else that Law would have been of no use: it being to no purpose to lay restraint, or give Privileges, to Men, in such general Terms, as the Particular Person concern'd cannot be known by. But God not having any where said, the next Heir shall Inherit all his Fathers Estate or Dominion, we are not to wonder that he hath no where appointed who that Heir should be, for never having intended any such thing, never designed any Heir in that Sense, we cannot expect he should any where nominate, or appoint any Person to it, as we might, had it been otherwise. And there-

§ 128 11–14 See Lev. xviii: the text quoted comes from verse 6, and the specified incestuous relationships in the rest of the chapter.

fore in Scripture, though the word *Heir* occur, yet there is no such thing as Heir in our *A*'s Sense, one that was by Right of Nature to Inherit all that his Father had, exclusive of his Brethren. Hence *Sarah* supposes, that if *Ishmael* ſtaid in the House, to share in *Abrahams* Eſtate after his Death, this Son of a bond woman might be Heir with *Isaac*: and therefore, says she, *caſt out this Bond-woman and her Son, for the Son of this Bond-woman ſhall not be Heir with my Son*; But this cannot excuse our *A*——, who telling us there is in every Number of Men, one who is *Right* and next *Heir* to *Adam* [288–9], ought to have told us what the Laws of descent are. He having been so sparing to inſtruct us by Rules, how to know who is *Heir*, let us see in the next place, what his Hiſtory out of Scripture, on which he pretends wholly to build his Government, gives us in this necessary and Fundamental point.

129. Our *A.* to make good the Title of his Book, *p.* 13. [58] begins the Hiſtory of the descent of *Adams* Regal Power, *p.* 13. in these words: *This Lordſhip which* Adam *by command had over the whole World, and by Right descending from him, the Patriarchs did enjoy was as large*, &c. How does he prove that the Patriarchs by descent did enjoy it? for *Dominion of Life and Death*, says he, *we find* Judah *the Father pronounced Sentence of Death againſt* Thamar *his Daughter-in-Law for playing the Harlot, p.* 13 [58]. How does this prove that *Judah* had Absolute and Sovereign Authority, *He pronounced Sentence of Death*? The pronouncing of Sentence of Death

28–30 See Gen. xxi. 10, noted previously in 1, § 114.

§ 129 1 This can only be intended to refer to the title *Patriarcha, or the Natural Power of Kings*, and is one of the indications that the *First Treatise*, as distinct from the *Second*, was directed at *Patriarcha* particularly—see Introduction, 61 and compare, 1, § 1, 9 and note.

3 '*by command*'—thus in the 1680 printing of *Patriarcha*: the manuscript reads '*by creation*' (58).

10–15 Filmer in claiming that the power to pronounce on life and death was a certain mark of sovereignty was following Bodin's classic definition: in his *Methodus*, probably behind the references to sovereignty in the Latin Tract of 1664 (see p. 6 and note in Abrams' edition, compare Von Leyden, 1954. p. 20). 'The power of life and death when the law itself leaves no room for extenuating' was the fifth and final mark of sovereignty. Comparison with such passages as 1, § 131. 11, § 3, 11, § 11, 6–8 (see note there) and 11, § 65 shows that Locke did argue about 'marks of sovereignty' in somewhat Bodin's way. It seems quite unjustifiable to maintain as Green did that Locke never used the term sovereignty in the way his contemporaries did (1931, 75) or that he avoided it because of the use Hobbes had made of the word (see Gough, 1950, 41).

is not a certain mark of Sovereignty, but usually the Office of Inferior Magistrates. The Power of making Laws of Life and Death, is indeed a Mark of Sovereignty, but pronouncing the Sentence according to those Laws may be done by others, and therefore this will but ill prove that he had Sovereign Authority: As if one should say, *Judge Jefferies*, pronounced Sentence of Death in the late Times, therefore *Judge Jefferies*, had Sovereign Authority: But it will be said, *Judah* did it not by Commission from another, and therefore did it in his own Right. Who knows whether he had any Right at all? heat of Passion might carry him to do that which he had no Authority to do. *Judah had Dominion of Life and Death*, how does that appear? he exercised it, he *pronounced Sentence of Death against* Thamar, our *A*—— thinks it is very good Proof, that because he did it, therefore he had a Right to do it; He lay with her also: By the same way of Proof, he had a Right to do that too: If the consequence be good from doing to a Right of doing. *Absalon* too may be reckon'd amongst our *A-s* Sovereigns, for he pronounced such a Sentence of Death against his Brother *Amnon*, and much upon a like occasion, and had it executed too; if that be sufficient to prove a Dominion of Life and Death.

But allowing this all to be clear Demonstration of Sovereign Power, who was it that had this *Lordship by Right descending to him from* Adam, *as large and ample as the Absolutest Dominion of any Monarch* [58]? Judah, says our *A*——, *Judah* a younger Son of *Jacob*, his Father and Elder Brethren living: so that if our *A*——*s* own Proof be to be taken, a younger Brother may in the Life of his Father and Elder Brothers, *by Right of descent*, *enjoy Adams* Monarchical Power; and if one so qualified may be Monarch by descent, why may not every man? if *Judah*, his Father and Elder Brother living were one of *Adams* Heirs, I know not who can be excluded from this Inheritance; all Men by Inheritance may be Monarchs as well as *Judah*.

130. *Touching War, we see that* Abraham *Commanded an Army of* 318 *Souldiers of his own Family, and* Esau *met his Brother* Jacob

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15–17 The reference to Judge Jeffreys 'in the late Times' must have been inserted after the end of James II's reign and is the only sentence in *Two Treatises* which dates itself, in 1689. See Introduction, 46.

27–9 For Absalon and Amnon see II Sam. xiii.

with 400 *Men at Arms*; *For matter of Peace*; Abraham *made a League with* Abimilech, &c. *p.* 13 [58]. Is it not possible for a Man to have 318 Men in his Family, without being Heir to *Adam*? A Planter in the *West Indies* has more, and might, if he pleased (who doubts) Muster them up and lead them out against the *Indians*, to seek Reparation upon any Injury received from them, and all this without the *Absolute Dominion of a Monarch, descending to him from Adam*. Would it not be an admirable Argument to prove, that all Power by Gods Institution descended from *Adam* by Inheritance, and that the very Person and Power of this Planter were the *Ordinance of God*, because he had Power in his Family over Servants, born in his House, and bought with his Money? For this was just *Abrahams* Case: Those who were rich in the *Patriarchs* Days, as in the *West-Indies* now, bought Men and Maid Servants, and by their increase as well as purchasing of new, came to have large and numerous Families, which though they made use of in War or Peace, can it be thought the Power they had over them was an Inheritance descended from *Adam*, when 'twas the Purchase of their Money? A Mans Riding in an expedition against an Enemy, his Horse bought in a Fair, would be as good a Proof that the owner *enjoyed the Lordship which* Adam *by command had over the whole World, by Right descending to him*, as *Abrahams* leading out the Servants of his Family is, that the Patriarchs enjoy'd this Lordship by descent from *Adam*: since the Title to the Power, the Master had in both Cases, whether over Slaves or Horses, was only from his purchase; and the getting a Dominion over any thing by Bargain and Money, is a new way of proving one had it by Descent and Inheritance.

§ 130 6 'A Planter in the *West Indies*'—compare 1, § 131, 2–10. Locke speaks here from his personal knowledge as secretary to the proprietors of Carolina, which was regarded as an extension of the West Indies (compare 1, § 144, 23 and note), and as Secretary to Shaftesbury's Board of Trade and Plantations, see Introduction, 26. It is interesting that both Locke and Filmer, whose brother was a planter in Virginia, accepted the political character of the family under such circumstances, as did Tyrrell who talks much as Locke does, but his planter is in the Barbadoes (1681, 105). All of them to varying degrees imply in this way that the position of the colonial planter can be assimilated to that of the Biblical patriarch. It may be permissible to guess that the planters themselves, although they acquired their subjects (slaves and indentured servants) by purchase, as Locke says, would have regarded their power as patriarchal as Filmer claimed, rather than as resting finally on consent, and that Filmer's Biblical arguments would have appealed to them more than Locke allowed.

131. *But making War and Peace are marks of Sovereignty* [58]. Let it be so in Politick Societies. May not therefore a Man in the *West-Indies*, who hath with him Sons of his own, Friends, or Companions, Soldiers under Pay, or Slaves bought with Money, or perhaps a Band made up of all these, make War and Peace, if there should be occasion, and *ratifie the Articles too with an Oath* [58], without being a Sovereign, an Absolute King over those who went with him? he that says he cannot, must then allow many Masters of Ships, many private Planters to be Absolute Monarchs, for as much as this they have done. War and Peace cannot be made for Politick Societies, but by the Supream Power of such Societies; because War and Peace, giving a different Motion to the force of such a Politick Body, none can make War or Peace, but that which has the direction of the force of the whole Body, and that in Politick Societies is only the Supream Power. In voluntary Societies for the time, he that has such a Power by consent, may make War and Peace, and so may a single Man for himself, the State of War not consisting in the number of *Partysans*, but the enmity of the Parties, where they have no Superiour to appeal to.

132. The actual making of War or Peace is no proof of any other Power, but only of disposing those to exercise or cease Acts of enmity for whom he makes it, and this Power in many Cases any one may have without any Politick Supremacy: And therefore the making of War or Peace will not prove that every one that does so is a Politick Ruler, much less a King; for then Common-wealths must be Kings too, for they do as certainly make War and Peace as Monarchical Government.

133. But granting this *a mark of Sovereignty* in *Abraham*, Is it a proof of the Descent to him, of *Adam*'s *Sovereignty* over the whole World? If it be, it will surely be as good a proof of the *descent of Adam's Lordship* to others too. And then Common-wealths, as well as *Abraham*, will be *Heirs of Adam*, for they make *War and Peace*, as well as he. If you say, that the *Lordship*

§ 131 1 Declaring war and peace was Bodin's third mark of sovereignty, *Methodus*, 1945, 172, compare I, § 129, 10–15 and note.

19 The lack of a common superior as characterizing the state of nature is discussed at length in the *Second Treatise*, chapter II, 'Of the State of Nature', and references in this paragraph to war supplement the following chapter there, 'Of the State of War', see especially §§ 20–1. In the relationships within and between planters' families in America, we have a model for the origin and nature of the Lockeian state, and its contrast with the state of nature—see Introduction.

of Adam doth not by Right descend to Common-wealths, though they make War and Peace, the same say I of *Abraham*, and then there is an end of your Argument; if you stand to your Argument, and say those that do make War and Peace, as Common-wealths do without doubt, do *inherit Adam*'s *Lordship*, there is an end of your Monarchy, unless you will say, that Common-wealths *by descent enjoying Adam*'s *Lordship* are Monarchies, and that indeed would be a new way of making all the Governments in the World Monarchical.

134. To give our *A.* the honour of this new invention, for I confess it is not I have first found it out by tracing his Principles, and so charged it on him, 'tis fit my Readers know that (as absurd as it may seem) he teaches it himself, *p.* 23. [62] where he ingeniously says, *In all Kingdoms and Common-wealths in the World, whether the Prince be the Supream Father of the People, or but the true Heir to such a Father, or come to the Crown by Usurpation or Election, or whether some few or a Multitude Govern the Common-wealth: yet still the Authority that is in any one, or in many, or in all these is the only Right, and natural Authority of a Supream Father*, which Right of *Fatherhood* he often tells us, is *Regal and Royal Authority*; as particularly, *p.* 12. [57] the page immediately preceding this Instance of *Abraham*. This Regal Authority, he says, those that Govern Common-wealths have: and if it be true, that Regal and Royal Authority be in those that govern Common-wealths, it is as true, that Common-wealths are govern'd by Kings: for if Regal Authority be in him that Governs, he that Governs must needs be a King, and so all Common-wealths are nothing but down-right Monarchies, and then what need any more ado about the matter? the Governments of the World are as they should be, there is nothing but Monarchy in it. This without doubt, was the surest way our *A.* could have found, to turn all other Governments, but Monarchical, out of the World.

135. But all this scarce proves *Abraham*, to have been a King as Heir to *Adam*. If by Inheritance he had been King, *Lot*, who was of the same Family, must needs have been his Subject, by that Title before the Servants in his Family: but we see they liv'd as Friends and Equals, and when their Herdsmen could not agree, there was no pretence of Jurisdiction or

§ 133 7 The word 'Common-wealths' here means republics, all non-monarchical forms of government.

Superiority between them, but they parted by consent, *Gen.* 13. hence he is called both by *Abraham*, and by the Text *Abraham's Brother*, the Name of Friendship and Equality, and not of Jurisdiction and Authority, though he were really but his Nephew. And if our *A.* knows that *Abraham* was *Adam*'s Heir, and a King, 'twas more it seems then *Abraham* himself knew, or his Servant whom he sent a wooing for his Son; for when he sets out the advantages of the Match, 24 *Gen.* 35. thereby to prevail with the Young-woman and her Friends, he says, *I am Abrahams Servant, and the Lord hath Blessed my Master greatly, and he is become great, and he hath given him Flocks and Herds and Silver and Gold, and Men-Servants and Maid-servants, and Camels and Asses, and Sarah my Masters Wife, bare a Son to my Master when she was old, and unto him he hath given all he hath.* Can one think that a discreet Servant, that was thus particular to set out his Master's Greatness, would have omitted the Crown *Isaac* was to have, if he had known of any such? Can it be imagin'd he should have neglected to have told them on such an occasion as this that *Abraham* was a King, a Name well known at that time, for he had nine of them his Neighbours, if he or his Master had thought any such thing, the likeliest matter of all the rest, to make his Errand Successful?

136. But this discovery it seems was reserved for our *A.* to make 2 or 3000 Years after, and let him injoy the Credit of it, only he should have taken care that some of *Adam*'s Land should have descended to this his *Heir*, as well as all *Adam*'s Lordship, for though this Lordship which *Abraham*, (if we may believe our *A.*) as well as the other Patriarchs, *by Right descending to him did enjoy, was as large and ample as the Absolutest Dominion of any Monarch which hath been since the Creation* [58]. Yet his Estate, his Territories, his Dominions were very narrow and scanty, for he had not the Possession of a Foot of Land, till he bought a Field and a Cave of the Sons of *Heth* to bury *Sarah* in.

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§ 135 7 'they parted by consent'—II, § 38, 28–9 'they, by consent, as Abraham and Lot did,...separated': see note there.

15 The young woman was Rebecca.

25 These nine kings are listed in Gen. xiv. 1–2, and cited by Filmer, 59.

§ 136 11 Gen. xxiii for the burial of Sarah. Compare II, § 36, 9–25 and note. Sidney makes the same point about the restricted territory of Abraham and the other patriarchs in *Discourses*, 1, 8. According to Ussher's chronology, in the margins of the Authorized Version, it took place in 1872 B.C., about 2500 years before Locke and

137. The Instance of *Esau* joyn'd with this of *Abraham*, to prove that the *Lordship which* Adam *had over the whole World, by Right descending from him, the Patriarchs did enjoy*, is yet more pleasant then the former: *Esau met his Brother Jacob with* 400 *Men at Arms* [58]; He therefore was a King by Right of Heir to *Adam*. 400 Arm'd Men then however got together are enough to prove him that leads them to be a King and *Adam*'s Heir. There have been Tories in *Ireland*, (whatever there are in other Countries) who would have thankt our *A*. for so honourable an Opinion of them, especially if there had been no body near with a better Title of 500 Armed Men, to question their Royal Authority of 400. 'Tis a shame for Men to trifle so, to say no worse of it, in so serious an Argument. Here *Esau* is brought as a Proof that *Adam*'s Lordship, *Adam's absolute Dominion, as large as that of any Monarch descended by Right to the Patriarchs*, and in this very *Chap. p.* 19. [61] *Jacob* is brought as an instance of one, that by *Birth-right was Lord over his Brethren*. So we have here two Brothers Absolute Monarchs by the same Title, and at the same time Heirs to *Adam*: The Eldest Heir to *Adam*, because he met his Brother with 400 Men, and the youngest Heir to *Adam* by *Birth-right*: Esau *injoy'd the Lordship which* Adam *had over the whole World by Right descending to him, in as large and ample manner, as the absolutest Dominion of any Monarch*, and at the same time, *Jacob Lord over him, by the Right Heirs have to be Lords over their Brethren. Risum teneatis?* I never, I confess, met with any Man of Parts so Dexterous as Sir *Robert* at this way

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Filmer, and the reference in line 2 shows that Locke was accepting this chronology: compare, I, § 147, 53, I, § 150, 9 and notes. This he did in general, though both he and Newton found it so difficult to reconcile with their cosmology, and in Locke's case, with his comparative anthropology. MS. c. 27 shows that he was working at the chronology of the Old Testament in the year 1680.

§ 137 7–8 This would seem to be the only direct reference to Locke's political opponents, the Royalists, traditionalists or tories, in his book, and it is tempting to look on it as a jibe at the opponents of the Revolution of 1688–9. But though it is just possible that the phrase in brackets, where 'other Countries' means England of course, was added in 1689, the sentence itself can only have been written in 1679–81, when 'tory' was still an opprobrious nickname for Irish bog-trotters, and had not become irrevocably attached to a body of English political opinion.

15 'this very *Chap.*'—Chapter I of *Patriarcha* (53–63), see note on I, § 6, 48. The form of this reference implies that Locke, in the lost continuation of the *First Treatise*, may have commented on the second and third chapters of Filmer's *Patriarcha*, as printed in 1680; see Introduction, Section III.

24 '*Risum teneatis?*'—'can you help laughing', Horace, *Ars Poetica*, 5, though probably a conventional phrase in academic disputation.

of Arguing: But 'twas his Misfortune to light upon an hypothesis that could not be accommodated to the Nature of things, and Human Affairs, his principles could not be made to agree with that Constitution and Order which God had settled in the World, and therefore must needs often clash with common Sense and Experience.

138. In the next Section, he tells us [58], *This Patriarchal Power continued not only till the Flood, but after it, as the name Patriarchs doth in part prove.* The word Patriarch doth more then *in part prove*, that *Patriarchal Power* continued in the World as long as there were Patriarchs, for 'tis necessary that Patriarchal Power should be whilst there are Patriarchs, as it is necessary there should be Paternal or Conjugal Power whilst there are Fathers or Husbands: but this is but playing with Names. That which he would fallaciously insinuate is the thing in question to be proved, viz. that the *Lordship which* Adam *had over the World*, the supposed Absolute Universal Dominion of *Adam* by *Right descending from him the Patriarchs did enjoy.* If he affirms such an Absolute Monarchy continued to the Flood, in the World, I would be glad to know what Records he has it from; for I confess I cannot find a word of it in my Bible: If by *Patriarchal Power*, he means any thing else, it is nothing to the matter in hand: And how the name *Patriarch* in *some part proves*, that those, who are called by that name, had Absolute Monarchical Power, I confess, I do not see, and therefore I think needs no answer, till the Argument from it be made out a little clearer.

139. *The three Sons of Noah had the World*, says our *A.*, *divided amongst them by their Father, for of them was the whole World overspread*, p. 14 [58]. The World might be overspread by the Offspring of *Noah*'s Sons, though he never divided the World amongst them; For the *Earth* might be *Replenished* without being divided, so that all our *A*——'s Argument here, proves no such Division. However I allow it to him, and then ask, the World being divided amongst them, which of the three was *Adam*'s Heir? If *Adam*'s *Lordship*, *Adam*'s *Monarchy*, by Right descended only to the Eldest, then the other two could be but his *Subjects*,

§ 138 1 'next Section'—section 5 of the 1680 printing, section III and part of section IV (58–60) in Laslett's edition.

his *Slaves*; If by Right it descended to all three Brothers, by the same Right, it will descend to all Mankind, and then it will be impossible what he says, *p.* 19. [61] that *Heirs are Lords of their Brethren*, should be true, but all Brothers, and consequently all Men will be equal and independent, all Heirs to *Adam*'s Monarchy, and consequently all Monarchs too, one as much as another. But 'twill be said *Noah* their Father divided the World amongst them, so that our *A.* will allow more to *Noah*, than he will to God Almighty, for *O.* 211. [64] he thought it hard, that God himself should give the World to *Noah* and his Sons, to the prejudice of *Noah*'s Birth-right, his words are, *Noah was left Sole Heir to the World, why should it be thought that God would disinherit him of his Birth-right, and make him of all Men in the World, the only Tenant in common with his Children?* and yet here he thinks it fit, that *Noah* should disinherit *Shem* of his Birth-right, and divide the World betwixt him and his Brethren, so that this *Birth-right*, when our *A.* pleases, must, and when he pleases, must not, be sacred and inviolable.

140. If *Noah* did divide the World between his Sons, and his Assignment of Dominions to them were good, there is an end of Divine Institution; all our *A*'s Discourse of *Adam*'s Heir, with whatsoever he builds on it, is quite out of doors; and the Natural Power of Kings falls to the ground; and then *the form of the Power Governing, and the Person having that Power*, will not be (as he says they are *O.* 254 [289]) *the ordinance of God*, but they will be *Ordinances* of man. For if the right of the Heir be the Ordinance of God, a Divine Right, no Man, Father, or not Father, can alter it: If it be not a Divine right, it is only Human depending on the Will of Man: and so where Human Institution gives it not, the First-born has no right at all above his Brethren; and Men may put Government into what hands, and under what form, they please.

141. He goes on, *Most of the civillest Nations of the Earth, labour to fetch their Original from some of the Sons or Nephews of* Noah, *p.* 14 [58]. How many do most of the civillest Nations amount to? and who are they? I fear the *Chineses*, a very great and civil People, as well as several other People of the *East*, *West*, *North* and *South*; trouble not themselves much about this matter. All that believe the Bible, which I believe are our *A*'s *most of the*

civilleſt Nations, muſt necessarily derive themselves from *Noah*, but for the reſt of the World, they think little of his Sons or Nephews. But if the Heralds and Antiquaries of all Nations, for 'tis these Men generally that labour to find out the Originals of Nations, or all the Nations themselves should *labour to fetch their Original from some of the Sons or Nephews of* Noah, what would this be to prove, that the *Lordship which* Adam *had over the whole World, by right descended to the Patriarchs?* Whoever, Nations, or Races of Men, *labour to fetch their Original from*, may be concluded to be thought by them, Men of Renown, famous to Poſterity for the Greatness of their Virtues and Actions; but beyond these they look not, nor consider who they were Heirs to, but look on them as such as raised themselves by their own Virtue to a Degree that would give a Luſtre to those, who in future Ages could pretend to derive themselves from them. But if it were *Ogygis*, *Hercules*, *Brama*, *Tamberlain*, *Pharamond*; nay, if *Jupiter* and *Saturn* were the Names, from whence divers Races of Man, both Ancient and Modern, have labour'd to derive their Original; will that prove that those Men *enjoyed the Lordship of Adam, by right descending to them?* If not, this is but a flourish of our *A*'s to mislead his Reader, that in it self signifies nothing.

142. To as much purpose, is, what he tells us, *p.* 15. [59] concerning this Division of the World, *That some say it was by lot, and others that* Noah *sail'd round the* Mediterranean *in Ten Years, and divided the World into* Asia, Afric *and* Europe, Portions for his three Sons. *America* then, it seems, was left to be his that could catch it. Why our *A.* takes such pains to prove the Division of the World by *Noah* to his Sons, and will not leave out an Imagination, though no better than a Dream, that he can find any where to favour it, is hard to guess, since such a *Division*, if it prove any thing, muſt necessarily take away the Title of *Adam*'s Heir: unless three Brothers can altogether be Heirs of *Adam*; And therefore

§ 141 22–3 Ogygis, first king of Thebes, reigning at the time of the flood, and so connected with a new race of Greeks: Hercules, Heracles, from whom the Dorians of Ancient Greece thought themselves descended: Brama, Brahma, from whom the Brahmans—the dominant caste of India—claimed divine descent: Tamberlain, Timur, the Mongol leader, from whom Locke perhaps supposes that the Mongols or even the Russians claimed descent: Pharamond, the Merovingian legendary king, may be included as a fabulous father of the French, and Jupiter and Saturn as originators of the Romans.

the following Words, *Howsoever the manner of this Division be uncertain, yet it is most certain the Division it self was by Families from* Noah *and his Children, over which the Parents were Heads and Princes, p.* 15. [59] if allow'd him to be true, and of any force to prove, that all the Power in the World is nothing but the Lordship *of* Adam's *descending by Right*, they will only prove that the Fathers of the Children are all Heirs to this Lordship of *Adam*. For if in those days *Cham* and *Japhet*, and other Parents besides the Eldest Son were Heads and Princes over their Families, and had a right to divide the Earth by Families, what hinders Younger Brothers, being Fathers of Families, from having the same Right? If *Cham* and *Japhet* were Princes by Right descending to them, notwithstanding any Title of Heir in their Eldest Brother, Younger Brothers by the same Right descending to them are Princes now, and so all our *A*'s Natural Power of Kings will reach no farther than their own Children, and no Kingdom by this Natural Right, can be bigger than a Family. For either this *Lordship of Adam over the whole World*, by Right descends only to the Eldest Son, and then there can be but one Heir, as our *A*. says, *p.* 19 [60/61]. Or else, it by Right descends to all the Sons equally, and then every Father of a Family will have it, as well as the three Sons of *Noah:* Take which you will, it destroys the present Governments and Kingdoms, that are now in the World, since whoever has this *Natural Power of a King*, by Right descending to him, must have it either, as our A. tells us, *Cain* had it, and be Lord over his Brethren, and so be alone King of the whole World, or else as he tells us here, *Shem*, *Cham* and *Japhet* had it, three Brothers, and so be only Prince of his own Family, and all Families independent one of another; All the World must be only one Empire by the right of the next Heir, or else every Family be a distinct Government of it self, by the *Lordship of Adam's descending to Parents of Families*. And to this only tends all the Proofs he here gives us of the descent of *Adam*'s Lordship: For continuing his Story of this descent he says;

143. *In the dispersion of* Babel, *we must certainly find the Establishment of Royal Power, throughout the Kingdoms of the World*, p. 14 [58]. If you must find it, pray do, and you will help us to a new piece of History: But you must shew it us before we shall be bound to believe, that Regal Power was Established in the World upon

your Principles. For, that Regal Power was Established *in the Kingdoms of the World*, I think no body will dispute, but that there should be Kingdoms in the World, whose several Kings enjoy'd their Crowns, *by right descending to them from Adam*, that we think not only *Apocrypha*, but also utterly impossible. If our A. has no better Foundation for his Monarchy than a supposition of what was done at the dispersion of *Babel*, the Monarchy he erects thereon, whose top is to reach to Heaven to unite Mankind, will serve only to divide and scatter them as that Tower did; and instead of establishing civil government and order in the World will produce nothing but confusion.

144. For he tells us, the *Nations* they were divided into, *were distinct Families, which had Fathers for Rulers over them; whereby it appears, that even in the confusion, God was careful to preserve the Fatherly Authority, by distributing the Diversity of Languages, according to the Diversity of Families*, p. 14 [58]. It would have been a hard matter for any one but our *A.* to have found out so plainly in the Text, he here brings, that all the Nations in that dispersion were governed by *Fathers*, and that *God was careful to preserve the Fatherly Authority*. The words of the Text are; *These are the Sons of* Shem *after their Families, after their Tongues in their Lands, after their Nations*; and the same thing is said of *Cham* and *Japhet*, after an Enumeration of their Posterities: in all which there is not one word said of their Governors, or Forms of Government; of *Fathers*, or *Fatherly Authority*. But our *A.* who is very quick sighted, to spy out *Fatherhood*, where no body else could see any the least glimpses of it, tells us positively their *Rulers were Fathers, and God was careful to preserve the Fatherly Authority*; and why? Because those of the same Family spoke the same Language, and so of necessity in the Division kept together. Just as if one should argue thus; *Hanibal* in his Army, consisting of divers Nations, kept those of the same Language together, therefore Fathers were Captains of each Band, and *Hanibal* was careful of the *Fatherly Authority*. Or in Peopling of *Carolina*, the *English*, *French*, *Scotch*, and *Welch* that are there, Plant themselves together, and by them

§ 144 9 The text is Gen. x. 31.

23 'Peopling of Carolina'—compare 1, § 130, 6 and note. The *Fundamental Constitutions of Carolina* makes no provision for, nor reference to, the peopling of individual 'counties' or 'manors' in this way, but, as was natural, English, French, Welsh and Scots did tend to settle the area of the colony so.

the Country is divided *in their Lands after their Tongues, after their Families, after their Nations*; therefore care was taken of the *Fatherly Authority*. Or because in many parts of *America*, every little Tribe was a distinct People, with a different Language, one should infer, that therefore *God was careful to preserve the Fatherly Authority*, or that therefore their Rulers *enjoy'd Adam's Lordship by right descending to them*, though we know not who were their Governors, nor what their Form of Government, but only that they were divided into little Independent Societies, speaking different Languages.

145. The Scripture says not a word of their Rulers or Forms of Government, but only gives an account, how Mankind came to be divided into distinct Languages and Nations; and therefore 'tis not to argue from the Authority of Scripture, to tell us positively, *Fathers* were their *Rulers*, when the Scripture says no such thing, but to set up Fancies of ones own Brain, when we confidently aver Matter of Fact, where Records are utterly silent. Upon a like ground, *i.e.* none at all he says, *That they were not confused Multitudes without Heads and Governors, and at liberty to choose what Governors or Governments they pleased* [58].

146. For I demand, when Mankind were all yet of one Language, all Congregated in the Plain of *Shinar*, were they then all under one Monarch, *who enjoy'd the Lordship of Adam by Right descending to him?* If they were not, there was then no thoughts, 'tis plain, of *Adam*'s Heir, no Right to Government known then upon that Title, no Care taken by God or Man, of *Adam*'s *Fatherly Authority*. If when Mankind were but one People, dwelt altogether, and were of one Language, and were upon Building a City together; and when 'twas plain, they could not but know the Right Heir, for *Shem* lived till *Isaac*'s time, a long while after the Division at *Babel*; If then, I say, they were not under the Monarchical Government of *Adam*'s Fatherhood, by Right descending to the Heir, 'tis plain there was no regard had to the *Fatherhood*, no Monarchy acknowledg'd due to *Adam*'s *Heir*, no Empire of *Shem*'s in *Asia*, and consequently no such Division of the World by *Noah*, as our

27–34 This amplifies Locke's view of a state of nature as described in his *Second Treatise* in an interesting way. If he was right, primitive America should be just like this. Compare I, § 153, 19 and Introduction, 98.

§ 145 7 Compare I, § 144, 31–2; II, § 101, 11–12.

A. has talked of. As far as we can conclude any thing from Scripture in this matter, it seems from this place, that if they had any Government, it was rather a Commonwealth than an Absolute Monarchy: For the Scripture tells us, *Gen.* 11. *They said.* 'Twas not a Prince commanded the Building of this City and Tower, 'twas not by the Command of one *Monarch*, but by the Consultation of many, a Free People, *Let us build us a City*; They built it for themselves as Free-men, not as Slaves for their Lord and Master: *That we be not scattered abroad*; having a City once built, and fixed Habitations to settle our Abodes and Families. This was the Consultation and Design of a People, that were at liberty to part asunder, but desired to keep in one Body, and could not have been either necessary or likely in Men tyed together under the Government of one Monarch, who if they had been, as our *A.* tells us, all *Slaves* under the Absolute Dominion of a Monarch, needed not have taken such care to hinder themselves from wandering out of the reach of his Dominion. I demand whether this be not plainer in Scripture than any thing of *Adam's Heir or Fatherly Authority?*

147. But if being, as God says, *Gen.* 11. 6. one People, they had one Ruler, one King by Natural Right, Absolute and Supreme over them, *what care had God to preserve the Paternal Authority of the Supreme Fatherhood* [58], if on a suddain he suffers 72 (for so many our A. talks of [58]) *distinct Nations*, to be erected out of it, under distinct Governors, and at once to withdraw themselves from the Obedience of their Sovereign. This is to entitle God's care how, and to what we please. Can it be Sense to say, that God was careful to preserve the *Fatherly Authority* in those who had it not? For if these were Subjects under a Supreme Prince, what Authority had they? Was it an instance of God's care to preserve the *Fatherly Authority*, when he took away the true *Supreme Fatherhood* of the Natural Monarch? Can it be reason to

§ 146 17–19 In the 1st Edition, 1, § 147, 36–7 is more explicit than this: 'God himself says they were a Commonwealth'—cf. 11, § 133, 2–3. In his early *Essay on the Civil Magistrate* Locke denied that God laid down in Scripture any rules of government or bounds to political power, except only the government of the Jews which he had himself constituted (English treatise, f. 33). There had been controversy over the constitution of the Israelites since the mid-sixteenth century—compare for example the *Vindiciae*. Locke may have discussed the point further in the missing section, together with Filmer's use of Old Testament monarchical history. Compare 1, § 165, 2–3 and note.

say, That God, for the Preservation of *Fatherly Authority*, lets several new Governments with their Governors ſtart up, who could not all have *Fatherly Authority?* and is it not as much reaſon to say, That God is careful to deſtroy *Fatherly Authority*, when he ſuffers one who is in Poſſeſſion of it, to have his Government torn in pieces, and ſhared by ſeveral of his Subjects? Would it not be an Argument juſt like this, for Monarchical Government, to ſay, when any Monarchy was ſhatter'd to pieces, and divided amongſt revolted Subjects, that God was careful to preſerve Monarchical Power, by rending a ſettled Empire into a Multitude of little Governments? If any one will ſay, that what happens in Providence to be preſerved, God is careful to preſerve as a thing therefore to be eſteemed by Men as neceſſary or uſeful, 'tis a peculiar Propriety of Speech, which every one will not think fit to imitate: but this I am ſure is impoſſible to be either proper, or true ſpeaking, that *Shem*, for example (for he was then alive) ſhould have *Fatherly Authority*, or Sovereignty by Right of *Fatherhood* over that one People at *Babel*, and that the next moment *Shem* yet living, 72 others ſhould have *Fatherly Authority*, or Sovereignty by Right of Fatherhood over the ſame People, divided into ſo many diſtinct Governments; either theſe 72 Fathers actually were Rulers, juſt before the Confuſion, and then they were not one People, but that God himſelf ſays they were; or elſe they were a Common-wealth, and then where was Monarchy? or elſe theſe 72 Fathers had *Fatherly Authority*, but knew it not. Strange! that *Fatherly Authority* ſhould be the only Original of Government amongſt Men, and yet all Mankind not know it; and ſtranger yet, that the confuſion of Tongues ſhould reveal it to them all of a ſudden, that in an inſtant theſe 72 ſhould know that they had *Fatherly Power*, and all others know that they were to obey it in them, and every one know that particular *Fatherly Authority* to which he was a Subject. He that can think this Arguing from Scripture, may from thence make out what Model of an *Eutopia* will beſt ſuit with his Fancy or Intereſt, and this *Fatherhood* thus diſpoſed of, will juſtifie both a Prince who claims an Universal Monarchy, and his Subjects, who being

§ 147 36–7 See note on 1, § 146, 17–34.

47 '*Eutopia*'—a reference to the *Utopia* of Sir Thomas More (1516), already current as a collective name for all fanciful political models. *Utopia* was the only work of More's which Locke possessed in two Latin editions (H. and L. 2048, 2049).

Fathers of Families, shall quit all Subjection to him, and *Canton* his Empire into less Governments for themselves: For it will always remain a doubt in which of these the Fatherly Authority resided, till our *A.* resolves us, whether *Shem*, who was then alive, or these 72 new Princes, beginning so many new Empires in his Dominions, and over his Subjects, had right to govern, since our *A.* tells us, that both one and t'other had *Fatherly*, which is Supreme, Authority, and are brought in by him as Instances of those, who did *enjoy the Lordship of Adam by right descending to them, which was as large and ample as the Absolutest Dominion of any Monarch* [58]. This at least is unavoidable, that if *God was careful to preserve the Fatherly Authority, in the 72 New erected Nations* [58], it necessarily follows, that he was as careful to destroy all pretences of *Adams* Heir; since he took care, and therefore did preserve the Fatherly Authority in so many, at least 71, that could not possibly be *Adams* Heirs, when the right Heir (if God had ever ordained any such Inheritance) could not but be known, *Shem* then living, and they being all one People.

148. *Nimrod* is his next instance of enjoying this Patriarchal Power, *p.* 16. [59] but I know not for what Reason our *A.* seems a little unkind to him, and says, that he *against Right enlarged his Empire, by seizing violently on the Rights of other Lords of Families*: These *Lords of Families* here were called *Fathers of Families*, in his account of the dispersion at *Babel*: but it matters not how they were called, so we know who they are; for this Fatherly Authority must be in them, either as Heirs to *Adam*, and so there could not be 72, nor above one at once, or else as natural Parents over their Children, and so every Father will have *Paternal Authority* over

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50 '*Canton*'—to split up into independent political units, or cantons.

53 Shem, Noah's eldest son and so, as Filmer would say, the natural heir to his power and possessions, lived for 600 years, and so would have seen all these events—see Gen. xi. 11–12. This is another example of Locke's accepting Biblical chronology, see I, § 136, 11 and note.

§ 148 1 '*Nimrod*'—the story of Nimrod (Gen. x. 1–10), Noah's grandson but not in the elder line, was commonly used by those who founded political power, particularly monarchy, on force or conquest. Filmer deals with this interpretation in the paragraph which Locke is criticizing here, admitting in 'his conclusion of that paragraph' (see line 24 of this one) that Nimrod was a usurper. Sidney follows the sixteenth- and early seventeenth-century interpreters whom Filmer had in mind, using their case to insinuate, of course, that all kings were usurpers by violence of the rights of the people: see *Discourses*, I, 8, headed 'Nimrod was the first King'.

his Children by the same Right, and in as large extent as those 72 had, and so be Independent Princes over their own Off-spring. Taking his *Lords of Families*, in this latter sense (as 'tis hard to give those words any other sense in this place) he gives us a very pretty account of the Original of Monarchy in these following words, *p.* 16. [59] *And in this Sense he may be said to be the Author and Founder of Monarchy*, viz. As against Right seizing violently on the Rights of Fathers over their Children, which Paternal Authority, if it be in them by right of Nature; (for else how could those 72 come by it) no body can take from them without their own consents, and then I desire our *A.* and his Friends to consider how far this will concern other Princes, and whether it will not according to his conclusion of that Paragraph, resolve all Regal Power of those, whose Dominions extend beyond their Families, either into Tyranny and Usurpation, or Election and Consent of Fathers of Families, which will differ very little from Consent of the People.

149. All his Instances, in the next *Section*, *p.* 17. [59] of the 12. Dukes of *Edom*, the 9. Kings in a little corner of *Asia* in *Abrahams* days, the 31 Kings in *Canaan* destroyed by *Joshua*, and the care he takes to prove that these were all Sovereign Princes, and that every Town in those days had a King, are so many direct Proofs against him, that it was not the *Lordship of* Adam *by Right descending* to them that made Kings: For if they had held their Royalties by that Title, either there must have been but one Sovereign over them all, or else every Father of a Family had been as good a Prince, and had as good a claim to Royalty as these: For if all the Sons of *Esau*, had each of them, the Younger as well as the Eldest, the right of *Fatherhood*, and so were Sovereign Princes after their Fathers Death, the same Right had their Sons after them, and so on to all Posterity, which will limit all the natural Power of Fatherhood, only to be over the Issue of their own Bodies, and their descendants, which Power of Fatherhood dies with the head

16 '*p.* 16'.—omitted in the 1st edition. This may imply that Locke had his Filmer beside him when he corrected the 1st edition for the 2nd in 1694, although he did not when he made the final corrections which appear in the Christ's copy. Compare notes on 1, § 157, 2 and 1, § 78, 19.

§ 149 1 'in the next *Section*'—see note on 1, § 138, 1: Section 7 of the 1680 printing begins on p. 17. Locke seems to have felt that he had got through two sections, 5 and 6, of *Patriarcha* in paragraphs 138–48.

of each Family, and makes way for the like power of Fatherhood to take place, in each of his Sons, over their respective Posterities, whereby the Power of Fatherhood will be preserv'd indeed, and is intelligible, but will not be at all to our *A*——s purpose: None of the instances he brings, are proofs of any Power they had, as Heirs of *Adam*'s Paternal Authority, by the title of his fatherhood descending to them, no—nor of any power they had by Vertue of their own: For *Adams Fatherhood* being over all Mankind, it could descend but to one at once, and from him to his right Heir only, and so there could by that Title be but one King in the World at a time; And by Right of Fatherhood, not descending from *Adam*, it must be only as they themselves were Fathers, and so could be over none but their own Posterity: So that if those 12 Dukes of *Edom*; If *Abraham* and the 9 Kings his Neighbours; If *Jacob* and *Esau* and the 31 Kings in *Canaan*, the 72 Kings mutilated by *Adonibesecк*, the 32 Kings that came to *Benhadad*, the 70 Kings of *Greece* making War at *Troy*, were as our *A*. contends [60], all of them Sovereign Princes; 'tis evident that Kings deriv'd their Power from some other Original *then Fatherhood*, since some of these had Power over more than their own Posterity, and 'tis Demonstration, they could not be all Heirs to *Adam*: For I challenge any Man to make any pretence to Power by right of *Fatherhood*, either intelligible or possible in any one, otherwise, than either as *Adams* Heir, or as Progenitor over his own Descendants, naturally sprung from him. And if our *A*. could shew that any one of these Princes, of which he gives us here so large a Catalogue, had his Authority by either of these Titles, I think I might yield him the cause: though 'tis manifest they are all impertinent and directly contrary to what he brings them to prove, *viz*. That the *Lordship which* Adam *had over the World by Right descended to the Patriarchs.*

150. Having told us, *p*. 16. [59, 60] That *the Patriarchal Government continued in* Abraham, Isaac, *and* Jacob, *until the* Egyptian *Bondage*, p. 17. [60] he tells us, *By manifest Footsteps we may trace this Paternal Government unto the* Israelites *coming into* Egypt, *where the exercise of Supream Patriarchal Government was intermitted, because they were in Subjection to a stronger Prince.* What these Footsteps are of paternal Government, in our *A*'s Sense, *i.e.* of Absolute Monarchical Power descending from *Adam*, and exercised by

Right of *Fatherhood* we have seen, that is for 2290 Years no Footsteps at all: since in all that time he cannot produce any one Example of any Person who claim'd or Exercised Regal Authority by right of *Fatherhood*; or shew any one who being a King was *Adams* Heir. All that his Proofs amount to, is only this, that there were Fathers, Patriarchs and Kings in that Age of the World; but that the Fathers and Patriarchs had any Absolute Arbitrary Power, or by what Title those Kings had theirs, and of what extent it was, the Scripture is wholly silent; 'tis manifest by Right of *Fatherhood* they neither did, nor could claim any Title to Dominion and Empire.

151. To say, *that the Exercise of Supream Patriarchal Government was intermitted, because they were in Subjection to a stronger Prince*, proves nothing but what I before suspected, *viz.* That *Patriarchal Jurisdiction or Government* is a fallacious expression, and does not in our *A.* signifie (what he would yet insinuate by it) *Paternal* and *Regal Power*; such an Absolute Sovereignty, as he supposes was in *Adam*.

152. For how can he say that *Patriarchal Jurisdiction was intermitted in Egypt*, where there was a King, under whose Regal Government the *Israelites* were, if *Patriarchal* were *Absolute Monarchical Jurisdiction?* And if it were not, but something else, why does he make such ado about a Power not in question, and nothing to the purpose? The Exercise of *Patriarchal* Jurisdiction, if *Patriarchal* be *Regal*, was not intermitted whilst the *Israelites* were in *Egypt*. 'Tis true, the Exercise of *Regal* Power was not then in the hands of any of the promised Seed of *Abraham*, nor before neither that I know, but what is that to the intermission of *Regal Authority, as descending from Adam*, unless our *A.* will have it, that this chosen Line of *Abraham*, had the Right of Inheritance to *Adams* Lordship? And then to what purpose are his instances of the 72 Rulers, in whom the Fatherly Authority was preserv'd in the Confusion at *Babel*? Why does he bring the

§ 150 9 '2290 Years'—from the Creation (4004 B.C.) to the Exile in Egypt (706 B.C.) according to Ussher's chronology in the Authorized Version. Compare note on 1, § 136, 11, though here Locke follows the chronology with startling exactness.

§ 152 This paragraph was extensively modified in 1694 by Locke: the page is a cancel in the 2nd edition of that year, but it is further corrected in the Errata, and again in the Christ's copy.

12 Princes Sons of *Ismael*; and the Dukes of *Edom*, and joyn them with *Abraham*, *Isaac*, and *Jacob*, as examples of the exercise of true *Patriarchal Government*, if the exercise of *Patriarchal Jurisdiction* were intermitted in the World, whenever the Heirs of *Jacob* had not Supream Power? I fear *Supream Patriarchal Jurisdiction* was not only *intermitted*, but from the time of the Egyptian Bondage quite lost in the World, since 'twill be hard to find from that time downwards, any one who exercised it as an Inheritance descending to him from the Patriarchs *Abraham*, *Isaac*, and *Jacob*. I imagined Monarchical Government would have served his turn in the hands of *Pharaoh* or any Body. But one cannot easily discover in all places what his discourse tends to, as particularly in this place, it is not obvious to guess what he drives at, when he says, *the exercise of Supream Patriarchal Jurisdiction* in *Egypt*, or how this serves to make out the descent of *Adams* Lordship to the Patriarchs or any Body else.

153. For I thought he had been giving us out of Scripture, Proofs and Examples of Monarchical Government, founded on Paternal Authority, descending from *Adam*; and not an History of the *Jews*: amongst whom yet we find no Kings, till many Years after they were a People: and when Kings were their Rulers, there is not the least mention or room for a pretence that they were Heirs to *Adam* or Kings by Paternal Authority. I expected, talking so much as he does of Scripture, that he would have produced thence a Series of Monarchs, whose Titles were clear to *Adams Fatherhood*, and who, as Heirs to him, own'd and exercised Paternal Jurisdiction over their Subjects, and that this was the true Patriarchical Government: whereas he neither proves, that the Patriarchs were Kings, nor that either Kings or Patriarchs were Heirs to *Adam*, or so much as pretended to it: and one may as well prove, that the Patriarchs were all Absolute Monarchs; that the Power both of Patriarchs and Kings was only Paternal; and that this Power descended to them from *Adam*; I say all these Propositions may be as well proved by a confused account of a multitude of little Kings in the *West-Indies*, out of *Ferdinando*

§ 153 19 'multitude of little Kings'—compare 1, § 144, 27–34 and note.

19–20 '*Ferdinando Soto*', 'Histories of *Northern America*'. The reference to Soto could apply to any of the three accounts of that famous explorer published in French, Spanish or Portuguese in various editions. The most likely book is another work of

Soto, or any of our late Histories of the *Northern America*, or by our *A*-s 70 Kings of *Greece*, out of *Homer*, as by any thing he brings out of Scripture, in that Multitude of Kings he has reckon'd up.

154. And Methinks he should have let *Homer* and his Wars of *Troy* alone, since his great Zeal to Truth or Monarchy carried him to such a pitch of transport against *Philosophers and Poets*, that he tells us in his Preface [188], that there *are too many in these days, who please themselves in running after the Opinions of Philosophers and Poets, to find out such an Original of Government, as might promise them some Title to Liberty, to the great Scandal of Christianity, and bringing in of Atheism.* And yet these Heathens, Philosopher *Aristotle*, and Poet *Homer*, are not rejected by our zealous Christian Politician, whenever they offer any thing that seems to serve his turn, whether to the great Scandal of Christianity, and bringing in of Atheisme; let him looke. This I cannot but observe in Authors who ('tis visible) write not for truth, how ready zeale for interest and party is to entitle *Christianity* to their design, and to charge *Atheisme* on those who will not without examining, submit to their Doctrines, and blindly swallow their nonsense.

But to return to his Scripture History, our *A.* farther tells us, *p.* 18. [60] that *after the return of the* Israelites *out of* Bondage, *God out of a special care of them, chose* Moses *and* Joshua *Successively to Govern as Princes in the place and stead of the Supream Fathers.* If it be true, that they *returned out of Bondage*, it must be into a State of Freedom, and must imply, that both before and after this *Bondage* they were free, unless our *A.* will say, that changing of Masters, is returning *out of Bondage*, or that a Slave *returns out of Bondage*, when he is removed from one Gally to another. If then they

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Garcilaso (see note on 1, § 57, 18), Richelet's French translation of his *La Florida del Inca*, 1605, *Histoire de la Floride, ou Rélation...de Ferdinand de Soto*, 1670, which Locke owned. The American histories might be Sagard's *Canada*, 1636, or his *Voyage des Hurons*, 1632—even John Smith's *Description of New England*, 1616, all of which Locke is known to have read when working at this book. His final library included many other likely titles.

§ 154 4, 27 'his Preface'—the Preface to Filmer's *Forms*; see note on 1, § 8, 38.

11–16 Passage in Christ's copy. The rather biting tone may betray his resentment of the attacks being made on him in his last years as an enemy of Christianity—Filmer is here classed with men like John Edwards (see Introduction, 73) though his sentiment recalls that of his earliest political writing.

21–2 Locke seems to be playing on the ambiguity of the word 'freedom', freedom as national independence and as government by consent.

returned out of Bondage, 'tis plain that in those days, whatever our *A.* in his Preface [188] says to the contrary, there was difference between a *Son*, a *Subject*, and a *Slave*; and that neither the *Patriarchs* before, nor their Rulers after this *Egyptian Bondage, numbered their* 30 *Sons or Subjects amongst their Possessions*, and disposed of them with as Absolute a Dominion, as they did *their other Goods*.

155. This is evident in *Jacob*, to whom *Reuben* offered his two Sons as Pledges, and *Judah* was at last surety for *Benjamin*'s safe return out of *Egypt:* Which all had been vain, superfluous, and but a sort of mockery, if *Jacob* had had the same Power over 5 every one of his Family as he had over his Ox or his Ass, as an *Owner* over his *Substance*; and the offers that *Reuben* or *Judah* made had been such a Security for returning of *Benjamin*, as if a Man should take two Lambs out of his Lords flock, and offer one as security, that he will safely restore the other.

156. When they were out of this *Bondage*, what then? *God out of a special care of them, the Israelites* [60]. 'Tis well that once in his Book, he will allow God to have any care of the People, for in other places he speaks of Mankind, as if God had no care of 5 any part of them, but only of their Monarchs, and that the rest of the People, the Societies of Men, were made as so many Herds of Cattle, only for the Service, Use, and Pleasure of their Princes.

157. *Chose* Moses *and* Joshua *Successively to Govern as Princes* [60]; A shreud Argument our *A.* has found out to prove Gods care of the Fatherly Authority, and *Adams* Heirs, that here as an expression of his care of his own People, he chooses those for 5 Princes over them, that had not the least pretence to either. The Persons chosen were, *Moses* of the Tribe of *Levy*, and *Joshua* of the Tribe of *Ephraim*, neither of which had any Title of *Fatherhood:* But says our *A.* they were in the place and stead of the Supream Fathers: If God had any where, as plainly declared his choise

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§ 155 See Gen. xlii–xliii.

§ 156 Locke compares the subjects of absolute monarchies to herds of animals in II, § 93, 7–15: compare also II, § 163, 19–23 and note on II, § 172, 10–19.

§ 157 2 In the Christ's copy 'p. 18' is deleted, a reference to Filmer which came after 'out' and which was inserted at the 2nd printing. The passage indicated (Laslett's edition, 60) begins in the first line of 1, § 156, and is completed here. This perhaps implies that the whole of 1, § 156 after '*Israelites*' in line 2 is an insertion of 1689: compare 1, §§ 159, 160 and note.

of such *Fathers* to be Rulers, as he did of *Moses* and *Joshuah*, we might believe *Moses* and *Joshuah* were in *their place and ſtead*, but that being the queſtion in debate, till that be better proved, *Moses* being chosen by God to be Ruler of his People, will no more prove that Government belong'd to *Adam*'s *Heir* or to the *Fatherhood*, than God's choosing *Aaron* of the Tribe of *Levy* to be Prieſt, will prove that the Prieſthood belong'd to *Adam*'s Heir or the *Prime-fathers*, since God could choose *Aaron* to be Prieſt, and *Moses* Ruler in *Israel*, though neither of those Offices, were settled on *Adam*'s *Heir* or the *Fatherhood*.

158. Our *A.* goes on. *And after them likewiſe for a time he raiſed up Judges, to defend his People in time of peril*, p. 18 [60]. This proves Fatherly Authority to be the original of Government, and that it descended from *Adam* to his Heirs, juſt as well as what went before: only here our *A.* seems to confess, that these Judges, who were all the Governours, they then had, were only Men of valour, whom they made their Generals to defend them in time of peril; and cannot God raise up such Men, unless Fatherhood have a Title to Government?

159. But says our *A. When God gave the* Israelites *Kings, he re-eſtabliſhed the ancient and prime Right of Lineal Succeſſion to Paternal Government*, p. 18 [60].

160. How did God *re-eſtabliſh* it? By a Law, a positive command? We find no such thing. Our *A.* means then, that when

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§ 158 5–7 The view that the first monarchs, like the Judges of the Israelites, were military leaders is put forward at length in the *Second Treatise*, §§ 105–10, especially 109.

§§ 159, 160 The paragraph number '159' was omitted from the 2nd and 3rd printings and not restored in Locke's final correction—159 was printed as if it continued 158. In fact, of course, 159 is simply the quotation from Filmer on which 160 is a commentary, just as 156 was originally a quotation criticized in 157—see note on 157. It seems possible that these two quotations were made to stand alone as paragraphs in order to keep numeration continuous in an area of extensive correction, deletion and perhaps even losses. The paragraphs from 160 to 169, especially 161, 162, were recorrected for punctuation in 1694, 1698 and after 1698. All this betrays confusion in Locke's manuscript, and may be connected with the imminent breaking off of the *First Treatise*, or even with the peculiarities of the first printing of the early part of the *Second*. Moreover, the text hereabouts seems to consist simply in comments on Filmer's sentences, prolonging the chapter to twice the size of its predecessors, and wandering far from its title 'Who Heir?' It may represent a stringing together of surviving fragments of the lost portion of Locke's original manuscript.

God gave them a King, in giving them a King, he *re-eſtabliſhed the Right, &c.* To re-eſtablish *de facto* the Right of Lineal Succession to Paternal Government, is to put a Man in Poſſeſſion of that Government which his Fathers did enjoy, and he by Lineal Succeſſion had a Right to. For, firſt, if it were another Government, than what his Anceſtors had, it was not succeeding to an *Ancient Right*, but beginning a new one. For if a Prince should give a Man, besides his Ancient Patrimony, which for some Ages his Family had been disseiz'd of, an additional Eſtate, never before in the Poſſeſſion of his Anceſtors, he could not be said to *re-eſtabliſh the Right of Lineal Succeſſion* to any more, than what had been formerly enjoy'd by his Anceſtors. If therefore the Power the Kings of *Iſrael* had, were any thing more than *Iſaac* or *Jacob* had, it was not the *re-eſtabliſhing* in them the Right of Succeſſion to a Power, but giving them a new Power, however you please to call it *Paternal* or not: and whether *Iſaac* and *Jacob* had the same Power, that the Kings of *Iſrael* had, I desire any one, by what has been abovesaid, to consider, and I do not think they will find that either *Abraham*, *Iſaac*, or *Jacob* had any Regal Power at all.

161. Next, there can be no *Re-eſtabliſhment of the Prime and Ancient Right of Lineal Succeſſion* to any thing, unless he, that is put in Poſſeſſion of it has the right to succeed, and be the true and next Heir to him he succeeds to. Can that be a Re-eſtabliſhment, which begins in a new Family? or that the *Re-eſtabliſhment of an Ancient Right of Lineal Succeſſion*, when a Crown is given to one, who has no Right of Succeſſion to it, and who, if the Lineal Succeſſion had gone on, had been out of all possibility of pretence to it? *Saul* the firſt King that God gave the *Iſraelites*, was of the Tribe of *Benjamin*. Was the *Ancient and Prime Right of Lineal Succeſſion Re-eſtabliſhed* in him? The next was *David* the Youngeſt Son of *Jeſſe*, of the Poſterity of *Judah*, *Jacob's third* Son. Was the *Ancient and Prime Right of Lineal Succeſſion to Paternal Government Re-eſtabliſhed* in him? Or in *Solomon* his younger Son and Succeſſor in the Throne? Or in *Jeroboam* over the ten *Tribes*? Or in *Athaliah* a Woman, who Reigned six Years an utter Stranger to the Royal Blood? *If the Ancient and Prime Right of Lineal Succeſſion to Paternal Government*, were *Re-eſtabliſhed* in any of these or their Poſterity, *the Ancient and Prime Right of Lineal Succeſſion to Paternal Government* belongs to Younger Brothers as well as Elder, and

may be Re-established in any Man living: For whatever Younger Brothers, by *Ancient and Prime Right of Lineal Succession*, may have as well as the Elder, that every Man living may have a Right to, by Lineal Succession, and Sir *Robert* as well as any other. And so what a brave Right of Lineal Succession, to his *Paternal* or *Regal* Government, our *A.* has *Re-establish'd* for the securing the Rights and Inheritance of Crowns, where every one may have it, let the World consider.

162. But says our *A.* however, *p.* 19. [60] *Whensoever God made choice of any special Person to be King, he intended that the Issue also should have benefit thereof, as being comprehended sufficiently in the Person of the Father, although the Father was only named in the Grant.* This yet will not help out Succession; for if, as our *A.* says, the benefit of the Grant be intended to the *Issue* of the Grantee, this will not direct the Succession; Since if God give any thing to a Man and his *Issue* in general, the Claim cannot be to any one of that *Issue* in particular, every one that is of his Race will have an equal Right. If it be said, our *A.* meant *Heir*, I believe our *A.* was as willing as any Body to have used that word, if it would have served his turn; but *Solomon* who succeeded *David* in the Throne, being no more his Heir than *Jeroboam*, who succeeded him in the Government of the Ten Tribes, was his Issue; our *A.* had reason to avoid saying, that God intended it to the *Heirs*, when that would not hold in a Succession, which our *A.* could not except against, and so he has left his Succession as undetermined, as if he had said nothing about it. For if the Regal Power be given by God to a Man and his *Issue*, as the Land of *Canaan* was to *Abraham* and his Seed, must they not all have a Title to it, all share in it? And one may as well say, that by God's Grant to *Abraham* and his Seed, the Land of *Canaan* was to belong only to one of his Seed exclusive of all others, as by God's Grant of Dominion to a man and his *Issue*, this Dominion was to belong in peculiar to one of his *Issue* exclusive of all others.

163. But how will our *A.* prove, that whensoever God made choice of any special Person to be a King, he intended that *the* (I suppose he means *his*) *Issue also should have benefit thereof.* Has he so soon forgot *Moses* and *Joshua* whom in this very *Section* [60],

§ 163 4 *'Section'*—section v of the 1680 printing; see note on 1, § 138, 1.

he says, *God out of a special care chose to govern as Princes*, and the Judges that God raised up? Had not these Princes, having the Authority of the *Supream Fatherhood*, the same Power that the Kings had, and being specially chosen by God himself, should not their Issue have the benefit of that choice, as well as *David's* or *Solomon's*? If these had the Paternal Authority put into their hands immediately by God, why had not their *Issue* the benefit of this Grant in a Succession to this Power? Or if they had it as *Adam*'s Heirs, why did not their Heirs enjoy it after them by Right descending to them? For they could not be Heirs to one another. Was the Power the same, and from the same Original in *Moses*, *Joshua* and the *Judges*, as it was in *David* and the *Kings*, and was it inheritable in one and not in the other? If it was not *Paternal Authority*, then God's own People were govern'd by those that had not *Paternal Authority*, and those Governours did well enough without it: If it were *Paternal Authority* and God chose the Persons that were to exercise it, our *A*'s Rule fails, that *whensoever God makes choice of any Person to be Supream* Ruler (for I suppose the name King has no Spell in it, 'tis not the Title, but the Power makes the difference) *he intends that the Issue also should have the benefit of it*, since from their coming out of *Egypt* to *David*'s time, 400 Years, the *Issue* was never *so sufficiently comprehended in the Person of the Father* [60], as that any Son after the Death of his Father, succeeded to the Government amongst all those Judges that judged *Israel*. If to avoid this, it be said, God always chose the Person of the Successor, and so transferring the *Fatherly Authority* to him, excluded his Issue from succeeding to it, that is manifestly not so in the Story of *Jephtha*, where he Articled with the People, and they made him Judge over them, as is plain, *Judg.* 11.

164. 'Tis in vain then to say [60], that *whensoever God chooses any special Person* to have the exercise of *Paternal Authority* (for if that be not to be King, I desire to know the difference between a King and one having the exercise of *Paternal Authority*,) *he intends the Issue also should have the benefit of it*, since we find the

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26 '400 years'—that is, 1491 B.C. to *c.* 1050 B.C. in Ussher's chronology; see note on I, § 136, 11.

32 On the story of Jephthah, critical to Locke's use of Scripture to sanction his political theory, see II, § 21, 10 and 17, note and references.

Authority, the Judges had, ended with them, and descended not to their *Issue*, and if the Judges had not *Paternal Authority*, I fear it will trouble our *A.* or any of the Friends to his Principles, to tell who had then the *Paternal Authority*, that is, the Government and Supream Power amongſt the *Israelites*; and I ſuſpect they must confeſs that the chosen People of God continued a People several hundreds of Years, without any Knowledge or Thought of this *Paternal Authority*, or any appearance of Monarchical Government at all.

165. To be ſatisfied of this, he need but read the Story of the *Levite*, and the War thereupon with the *Benjamites*, in the 3 laſt *Chapt.* of *Jud.*: and when he finds, that the *Levite* appeals to the People for Juſtice; that it was the Tribes and the Congregation, that debated, reſolved, and directed all that was done on that occaſion, he muſt conclude, either that *God* was not *careful to preſerve the Fatherly Authority* amongſt his own chosen People; or elſe that the *Fatherly Authority* may be preſerved, where there is no Monarchical Government; If the latter, then it will follow that though *Fatherly Authority* be never ſo well proved, yet it will not infer a neceſſity of Monarchical Government; If the former, it will ſeem very ſtrange and improbable that God ſhould ordain *Fatherly Authority* to be ſo Sacred amongſt the Sons of Men, that there could be no Power or Government without it, and yet that amongſt his own People, even whilſt he is providing a Government for them, and therein preſcribes Rules to the ſeveral States and Relations of Men, this Great and Fundamental one, this moſt material and neceſſary of all the reſt ſhould be concealed, and lye neglected for 400 Years after.

166. Before I leave this, I muſt aſk how our *A.* knows that *whenſoever God makes choice of any ſpecial Perſon to be King, he intends that the Iſſue ſhould have the benefit thereof*? [60] does God by the

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§ 165 2–3 These chapters, Judg. xix, xx, xxi, were much relied upon by that body of seventeenth-century opinion which held that the Israelites had a representative form of government; see the *Vindiciae Contra Tyrannos*, Selden's *Mare Clausum* and Sidney's *Diſcourſes*, chapter 11, section 9, headed 'The Government inſtituted by God over the Iſraelites was Ariſtocratical', especially 1772, 105. Locke hints at this argument in 1, § 146. The appeal of the Levite to the people for justice occurs in Judg. xx. 7.

19 The 400 years were from the events under the Judges to the anointing of Saul, 1406–1095 B.C. in Ussher's chronology; see note on 1, § 136, 11.

Law of Nature or Revelation say so? By the same Law also he must say, which of his *Issue* must enjoy the Crown in Succession, and so point out the Heir, or else leave his *Issue* to divide or scramble for the Government: both alike absurd, and such as will destroy the benefit of such Grant to the *Issue*. When any such Declaration of God's Intention is produced, it will be our Duty to believe God intends it so, but till that be done, our *A.* must shew us some better Warrant, before we shall be obliged to receive him as the Authentick Revealer of God's Intentions.

167. *The Issue*, says our *A. is comprehended sufficiently in the Person of the Father, although the Father only was named in the Grant* [60]: And yet God, when he gave the Land of *Canaan* to *Abraham*, *Gen.* 13. 15. thought fit to put *his Seed* into the Grant too. So the Priesthood was given to *Aaron and his Seed*; And the Crown God gave not only to *David*, but *his Seed* also: And however our *A.* assures us that *God intends, that the Issue should have the benefit of it, when he chooses any Person to be King*, yet we see that the Kingdom which he gave to *Saul*, without mentioning his Seed after him, never came to any of his *Issue*; and why when God chose a Person to be King, he should intend that his *Issue* should have the benefit of it, more than when he chose one to be Judge in *Israel*, I would fain know a reason; or why does a Grant of *Fatherly Authority* to a King more comprehend the *Issue*, than when a like Grant is made to a Judge? Is *Paternal Authority* by Right to descend to the *Issue*, of one and not of the other? There will need some Reason to be shewn of this difference, more than the name, when the thing given is the same *Fatherly Authority*, and the manner of giving it, God's choice of the Person the same too; for I suppose our *A.*, when he says, *God raised up Judges*, will by no means allow, they were chosen by the People.

168. But since our *A.* has so confidently assured us of the care of God to preserve the *Fatherhood*, and pretends to build all, he says, upon the Authority of the Scripture, we may well expect

§ 167 10 'chose'—at this word sheet P begins in the first printing, 1689. This sheet contained the text up to 11, § 8, line 6; see note there: Locke's interference in the course of printing in 1689 could conceivably have affected the text at any point from here to the end of Sheet S; see note on 11, § 51.

§§ 168, 169 Here the chronological argument becomes the main theme, see 1, § 136, 11: it presumably occupied the early part of the missing portion.

It will be seen that the *First Treatise* breaks off abruptly in the middle of a phrase,

that the People whose Law, Constitution and History is chiefly contained in the Scripture, should furnish him with the clearest Instances of God's care of preserving of the Fatherly Authority, in that People who 'tis agreed he had a most peculiar care of. Let us see then what State this *Paternal Authority* or Government was in amongst the *Jews*, from their beginning to be a People. It was omitted by our *A*'s confession, from their coming into *Egypt*, till their return out of that Bondage, above 200 Years. From thence till God gave the *Israelites* a King about 400 Years more, our *A*. gives but a very slender account of it, nor indeed all that time are there the least Footsteps of Paternal or Regal Government amongst them. But then says our *A*. [60] *God Re-established the Ancient and Prime Right of Lineal Succession to Paternal Government.*

169. What a *Lineal Succession to Paternal Government* was then Established, we have already seen. I only now consider how long this lasted, and that was to their Captivity about 500 Years: From thence to their Destruction by the *Romans*, above 650 Years after, the *Ancient and Prime Right of lineal Succession to Paternal Government* was again lost, and they continued a People in the promised Land without it. So that of 1150 Years that they were God's peculiar People, they had Hereditary Kingly Government amongst them, not one third of the time, and of that time there is not the least Footstep of one moment of *Paternal Government, nor the Re-establishment of the Ancient and Prime Right of Lineal Succession to it*, whether we suppose it to be derived, as from its Fountain, from *David*, *Saul*, *Abraham*, or, which upon our *A*'s Principles is the only true; From *Adam*. ****

obviously where Locke's manuscript reached the foot of a page. In the later eighteenth-century editions and on, the stars were omitted and, although it made nonsense, the final phrase seemed to end a sentence. Tarlton, 1978, disagrees that these final phrases make nonsense, and allots a considerably greater significance to the whole *Treatise* than is usual, or has been done here.

THE SECOND TREATISE OF GOVERNMENT

AN

ESSAY

Concerning the

True Original, Extent, and End

OF

Civil Government

Title. The title-page was an insertion in the course of printing, as subtly demonstrated by Gerritsen, 1954. The original title, not allotted a page to itself in the printing as first planned, was presumably simply the 'Book II' at the head of the first page of its text, the *First Treatise* having 'Book I'. The title to the whole volume seems to have been altered to take account of this new title to the second book. See Introduction, 50.

The correct title to this second book, then, is either 'The Second Treatise of Government', to conform with that of the whole volume, or the full title given here, abbreviated 'Of Civil Government' (or alternatively 'An Essay Concerning Civil Government'). It was entitled thus in the French translation, the first appearance of the *Second Treatise* independently, perhaps with Locke's approval (see Introduction, 12)—'Du Gouvernement Civil'. The title in common use is a solecism: 'The Second Treatise on (or of) Civil Government.' It may have arisen because the collected editions from the first (1714) on, and the individual editions from the 6th (1764) on, had the running title 'Of Government' for the *First Treatise* and 'Of Civil Government' for the *Second*—a distinction without meaning or usefulness.

BOOK II.

CHAP. I.

1. IT having been shewn in the foregoing Discourse,

1°. That *Adam* had not either by natural Right of Fatherhood, or by positive Donation from God, any such Authority over his Children, or Dominion over the World as is pretended.

2°. That if he had, his Heirs, yet, had no Right to it.

3°. That if his Heirs had, there being no Law of Nature nor positive Law of God that determines, which is the Right Heir in all Cases that may arise, the Right of Succession, and consequently of bearing Rule, could not have been certainly determined.

4°. That if even that had been determined, yet the knowledge of which is the Eldeſt Line of *Adam*'s Poſterity, being so long since utterly loſt, that in the Races of Mankind and Families of the World, there remains not to one above another, the leaſt pretence to be the Eldeſt House, and to have the Right of Inheritance.

All these premises having, as I think, been clearly made out, it is impossible that the Rulers now on Earth, should make any benefit, or derive any the leaſt shadow of Authority from that, which is held to be the Fountain of all Power, *Adam's Private Dominion and Paternal Juriſdiction*, so that, he that will not give juſt occasion, to think that all Government in the World is the product

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§ 1 *Chapter* 1.—obviously written by Locke to bridge the gap between the fragmentary *First Treatise* and the *Second*, presumably in 1689. As originally composed, this book must have started at § 4 (chapter 11), or perhaps at an introductory paragraph to this one, now cancelled—see note on 11, § 54, 1. Locke may, of course, have modified this area of the text considerably in 1689.

This chapter is omitted from the French version of 1691, and so from all editions in languages other than English until recent years. It was also left out of the early American edition, Boston, 1773—see Introduction, 14.

20–2 This has been taken as a covert reference to Hobbes, and in fact may be a reminiscence of Filmer's attack on the Hobbesian state of nature: 'It is not to be

only of Force and Violence, and that Men live together by no other Rules but that of Beasts, where the strongest carries it, and so lay a Foundation for perpetual Disorder and Mischief, Tumult, Sedition and Rebellion, (things that the followers of that Hypothesis so loudly cry out against) must of necessity find out another rise of Government, another Original of Political Power, and another way of designing and knowing the Persons that have it, then what Sir *Robert F.* hath taught us.

2. To this purpose, I think it may not be amiss, to set down what I take to be Political Power. That the Power of a *Magistrate* over a Subject, may be distinguished from that of a *Father* over his Children, a *Master* over his Servant, a *Husband* over his Wife, and a *Lord* over his Slave. All which distinct Powers happening sometimes together in the same Man, if he be considered under these different Relations, it may help us to distinguish these Powers one from another, and shew the difference betwixt a Ruler of a Common-wealth, a Father of a Family, and a Captain of a Galley.

3. *Political Power* then I take to be *a Right* of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-wealth from Foreign Injury, and all this only for the Publick Good.

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thought that God would create man in a condition worse than any beast, as if he had made men to no other end by nature but to destroy one another' (Laslett's edition, 241). Filmer was Hobbes's first critic, and Locke had read and noted this work of his at least as early as 1667—see Introduction, 33. Compare II, § 93, 30–2.

23–4 Compare I, §§ 3; 83; 106, 15–16; § 143.

§ 3 Compare the definition of *respublica* in Locke's *Epistola de Tolerantia* (1689, that is, closer to this chapter than to the text as a whole): 'The commonwealth seems to me to be a society of men constituted only for procuring and preserving their own *civil interests* (bona civilia)...therefore is the magistrate armed with the force and strength of all his subjects (toto scilicet subditorum robore) in order to the punishment of those that violate any other man's rights' (Klibansky and Gough, ed., 1968, 66–7, slightly differently translated). Here external security is omitted and property is replaced by *bona civilia*, defined as 'life, liberty, health and indolency of body; and the possession of outward things, such as money, lands, houses, furniture and the like (vitam, libertatem, corporis integritatem, et indolentiam, et rerum externarum possessiones, ut sunt latifundia, pecunia, supellex etc.)'. See Introduction, 102; and on capital laws, see I, § 129, 10–15 and note, II, §§ 87–9, 171. Elrington (1798) remarks on the distinction between power and right in this paragraph, implying that Locke confuses them.

CHAP. II.

Of the State of Nature.

4. TO understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

A *State* also *of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another: there being nothing more evident, than that Creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection, unless the Lord and Master of them all, should by any manifest Declaration of his Will set one above another, and confer on him by an evident and clear appointment an undoubted Right to Dominion and Sovereignty.

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§ 4 *Chapter* II The French and other versions begin with this chapter, and in Locke's original text there may have been only one paragraph before this point, introducing the whole work; see note on II, § 54, 1. Although it was extended when Locke added his Hooker material (see §§ 5 and 15) and certainly corrected to some extent, perhaps a great deal, in 1689—see, for example, §14, 12–17—there is no reason to suppose that it was not substantially completed in 1679.

2 'are'—Seliger points out that this means that the state of nature was *not* past history.

9–10 A reference to the Creation, compare I, §§ 25–7, etc.

9–11 Quoted verbatim by Molyneux, *Case of Ireland*, 1698 (1720 ed., 127).

11 'should'—to be read as imperative in feeling, for Locke recognized inequality in capacity. See II, § 54, and *The Conduct of the Understanding*: 'there is, it is visible, a great variety in men's understandings, and their natural constitutions... the woods of America, as well as the schools of Athens, produce men of several abilities in the same kind'. In the same work, however, he is prepared to use the example of the natural equality of men for the purpose of illustrating the necessity of bottoming, that is discovering a 'truth well settled in the understanding' (*Works*, 1801, III, 189 and 259). Compare Hobbes, *Elements of Law* (16, 4 (1928, p. 54): 'men considered in mere nature ought to admit amongst themselves equality', and the similar statements in *Leviathan* (chapter 13) and *De Cive*, though the context and grounds of this statement of Locke's are very different.

5. This *equality* of Men by Nature, the Judicious *Hooker* looks upon as so evident in it self, and beyond all question, that he makes it the Foundation of that Obligation to mutual Love amongst Men, on which he Builds the Duties they owe one another, and from whence he derives the great Maxims *of Justice* and *Charity*. His words are;

The like natural inducement, hath brought Men to know that it is no less their Duty, to Love others than themselves, for seeing those things which are equal, must needs all have one measure; If I cannot but wish to receive good, even as much at every Man's hands, as any Man can wish unto his own Soul, how should I look to have any part of my desire herein satisfied, unless my self be careful to satisfie the like desire, which is undoubtedly in other Men, being of one and the same nature? to have any thing offered them repugnant to this desire, must needs in all respects grieve them as much as me, so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me, shewed unto them; my desire therefore to be lov'd of my equals in nature, as much as possible may be, imposeth upon me a natural Duty of bearing to themward, fully the like affection; From which relation of equality between our selves and them, that are as our selves, what several Rules and Canons, natural reason hath drawn for direction of Life, no Man is ignorant. Eccl. Pol. Lib. 1.

6. But though this be a *State of Liberty*, yet it is *not a State of Licence*, though Man in that State have an uncontroleable Liberty,

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§ 5 1 It was probably Locke, slavishly followed by his friend Molyneux, who did most to give currency to the title 'judicious' to Richard Hooker. He was genuinely indebted to Hooker both in his philosophy and his political theory, and in his lists of recommended reading for young men he talks of the *Ecclesiastical Polity* as one of 'the most talked of' books on politics, and requires thorough study of 'the judicious Hooker's first book' (*Works*, 1801, III, 272; X, 308). But the reference to him here and throughout the *Second Treatise* was also intended to lend respectability to his position and to turn the flank of his opponents, especially the good churchmen amongst them.

7–23 *Ecclesiastical Polity*, Book 1, ch. VIII, § 7 (Keble ed. 1836, I, 288–9), not quite exactly quoted. Compare 1, § 42 on Justice and Charity.

Like the other quotations from Hooker, this, and the rest of the paragraph with it, was probably added after the body of the text had been written (see Introduction, 57 and note, II, § 239, 45 and note), probably on 28 June 1681, on which date Locke copied into his diary extracts from just before and just after this one (Ashcraft, 1987, 286 rejects this interpretation). All the extracts came from pp. 80–2 of the *Ecclesiastical Polity* which he had bought on 13 June. This was probably the 1676 edition, and it is referred to as such in these footnotes, but it could have been that of 1666, see Introduction, 57.

to dispose of his Person or Possessions, yet he has not Liberty to destroy himself, or so much as any Creature in his Possession, but where some nobler use, than its bare Preservation calls for it. The *State of Nature* has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one anothers Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one anothers uses, as the inferior ranks of Creatures are for ours. Every one as he is *bound to preserve himself*, and not to quit his Station wilfully; so by the like reason when his own Preservation comes not in competition, ought he, as much as he can, *to preserve the rest of Mankind*, and may not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, the Liberty, Health, Limb or Goods of another.

7. And that all Men may be restrained from invading others Rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth the Peace and *Preservation of all Mankind*, the *Execution* of the Law of Nature is in that State, put into every Mans hands, whereby every one has a right to punish the transgressors of that Law to such a Degree, as may hinder its Violation. For the *Law of Nature* would, as all other Laws that concern Men in this World, be in vain, if there were no body that in the State of Nature, had a *Power to Execute* that Law, and thereby preserve the innocent and restrain offenders, and if

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§ 6 10–14 On man as God's workmanship see I, §§ 30, 52–4; 86; II § 56, 12–14; and as God's property I, § 85, 10–11; compare II, § 56, 12–14, and English Tract of 1660, 11.

14–19 Compare I, §§ 86; 87; 92, 1–3 and note; II, § 135, 13–17. These statements are generally taken as directed against Hobbes, especially the thirteenth chapter of *Leviathan*, but there is no verbal resemblance.

18 'made for another's use'—Brogan, 1958, suggests a Kantian parallel.

any one in the State of Nature may punish another, for any evil he has done, every one may do so. For in that *State of perfect Equality*, where naturally there is no superiority or jurisdiction of one, over another, what any may do in Prosecution of that Law, every one must needs have a Right to do.

8. And thus in the State of Nature, *one Man comes by a Power over another*; but yet no Absolute or Arbitrary Power, to use a Criminal when he has got him in his hands, according to the passionate heats, or boundless extravagancy of his own Will, but only to retribute to him, so far as calm reason and conscience dictates, what is proportionate to his Transgression, which is so much as may serve for *Reparation* and *Restraint*. For these two are the only reasons, why one Man may lawfully do harm to another, which is that we call *punishment*. In transgressing the Law of Nature, the Offender declares himself to live by another Rule, than that of *reason* and common Equity, which is that measure God has set to the actions of Men, for their mutual security: and so he becomes dangerous to Mankind, the tye, which is to secure them from injury and violence, being slighted and broken by him. Which being a trespass against the whole Species, and the Peace and Safety of it, provided for by the Law of Nature, every man upon this score, by the Right he hath to preserve Mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one, who hath transgressed that Law, as may make him repent the doing of it, and thereby deter him, and by his Example others, from doing the like mischief. And in this case, and upon this ground, *every Man hath a Right to punish the Offender, and be Executioner of the Law of Nature.*

9. I doubt not but this will seem a very strange Doctrine to some Men: but before they condemn it, I desire them to resolve

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§ 8 6 'proportionate'—at this word sheet P ends and sheet Q begins in the first printing. This sheet exists in variant states (see Laslett, 1952 (iv), and Bowers, Gerritsen and Laslett, 1954 (ii)). Even more than in the case of the later part of sheet P (see I, § 167, 10 and note), any part of it may be the result of Locke's last-minute modifications. It ends with the last word of § 21.

§ 9 1 'strange Doctrine'—this seems to be Locke's way of announcing that his doctrine of punishment was, or was intended by him to be, a novelty; compare II, § 13, 1; II, § 180, 6 and Introduction, 97. It is certainly in subtle contrast with Hobbes's doctrine in chapter 28 of *Leviathan*, with which it is often compared. The

me, by what Right any Prince or State can put to death, or *punish an Alien*, for any Crime he commits in their Country. 'Tis certain their Laws by vertue of any Sanction they receive from the promulgated Will of the Legislative, reach not a Stranger. They speak not to him, nor if they did, is he bound to hearken to them. The Legislative Authority, by which they are in Force over the Subjects of that Common-wealth, hath no Power over him. Those who have the Supream Power of making Laws in *England*, *France* or *Holland*, are to an *Indian*, but like the rest of the World, Men without Authority: And therefore if by the Law of Nature, every Man hath not a Power to punish Offences against it, as he soberly judges the Case to require, I see not how the Magistrates of any Community, can *punish an Alien* of another Country, since in reference to him, they can have no more Power, than what every Man naturally may have over another.

10. Besides the Crime which consists in violating the Law, and varying from the right Rule of Reason, whereby a Man so far becomes degenerate, and declares himself to quit the Principles of Human Nature, and to be a noxious Creature, there is commonly *injury* done to some Person or other, and some other Man receives damage by his Transgression, in which Case he who hath received any damage, has besides the right of punishment common to him with other Men, a particular Right to seek *Reparation* from him that has done it. And any other Person who finds it just, may also joyn with him that is injur'd, and assist him in recovering from the Offender, so much as may make satisfaction for the harm he has suffer'd.

11. From these *two distinct Rights*, the one of *Punishing* the Crime *for restraint*, and preventing the like Offence, which right of punishing is in every body; the other of taking *reparation*, which belongs only to the injured party, comes it to pass that the Magistrate, who by being Magistrate, hath the common right of

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whole of Locke's *Second Letter on Toleration* (1690) is concerned with punishment as a means of '*Reparation* and *Restraint*'.

10–12 That is to say the Indian, presumably the American Indian, is in a state of nature with respect to all established political power, which implies there is no international law (see Cox, 1960, 138).

§ 10 On this paragraph, Elrington comments (1798) that throughout the whole of this treatise Locke's 'zeal for liberty has very frequently led him to speak of men's *duties* as *rights* which they may exercise or renounce at pleasure'.

4 'noxious Creature'—compare II, § 172, 9–19, note and references.

punishing put into his hands, can often, where the publick good demands not the execution of the Law, *remit* the punishment of Criminal Offences by his own Authority, but yet cannot *remit* the satisfaction due to any private Man, for the damage he has received. That, he who has suffered the damage has a Right to demand in his own name, and he alone can *remit*: The damnified Person has this Power of appropriating to himself, the Goods or Service of the Offender, by *Right of Self-preservation*, as every Man has a Power to punish the Crime, to prevent its being committed again, *by the Right he has of Preserving all Mankind*, and doing all reasonable things he can in order to that end: And thus it is, that every Man in the State of Nature, has a Power to kill a Murderer, both to deter others from doing the like Injury, which no Reparation can compensate, by the Example of the punishment that attends it from every body, and also *to secure* Men from the attempts of a Criminal, who having renounced Reason, the common Rule and Measure, God hath given to Mankind, hath by the unjust Violence and Slaughter he hath committed upon one, declared War against all Mankind, and therefore may be destroyed as a *Lyon* or a *Tyger*, one of those wild Savage Beasts, with whom Men can have no Society nor Security: And upon this is grounded the great Law of Nature, *Who so sheddeth Mans Blood, by Man shall his Blood be shed.* And *Cain* was so fully convinced, that every one had a Right to destroy such a Criminal, that after the Murther of his Brother, he cries out, *Every one that findeth me, shall slay me*; so plain was it writ in the Hearts of all Mankind.

12. By the same reason, may a Man in the State of Nature *punish the lesser breaches* of that Law. It will perhaps be demanded,

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§ 11 6–8 Compare II, § 159, 24–6. The power of pardon was the fourth mark of sovereignty (Bodin, *Methodus*, 1945, 173, see I, § 129, 10–15, note and references, II, § 88, 4–6) and Locke may be following the traditional argument here.

24–6 Compare II, § 172, 18–19 (verbal parallel), note and references.

27–8 Genesis ix. 6: a divine command is equated here with a law of nature.

30–1 Genesis iv. 14. The final phrase is the most conspicuous instance in the whole book of Locke's willingness here to take advantage of the belief in innate ideas and innate practical principles, excoriated in Book I of his *Essay concerning Humane Understanding*. The words 'writ in the Hearts' are typical of what Yolton (1956, section II) calls the naïve form of the belief, and the principle at issue cannot well be explained as an exception, as in the case of a similar passage in I, § 86, 19–21—see note and references there. He would seem to imply here that his whole 'strange doctrine' about punishment was part of innate knowledge, a possibility he had rejected as early as 1659–64, see Von Leyden, 1954.

with death? I answer, Each Transgression may be *punished* to that *degree*, and with so much *Severity* as will suffice to make it an ill bargain to the Offender, give him cause to repent, and terrifie others from doing the like. Every Offence that can be committed in the State of Nature, may in the State of Nature be also punished, equally, and as far forth as it may, in a Common-wealth; for though it would be besides my present purpose, to enter here into the particulars of the Law of Nature, or its *measures of punishment*; yet, it is certain there is such a Law, and that too, as intelligible and plain to a rational Creature, and a Studier of that Law, as the positive Laws of Common-wealths, nay possibly plainer; As much as Reason is easier to be understood, than the Phansies and intricate Contrivances of Men, following contrary and hidden interests put into Words; For so truly are a great part of the *Municipal Laws* of Countries, which are only so far right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted.

13. To this strange Doctrine, *viz.* That *in the State of Nature, every one has the Executive Power* of the Law of Nature, I doubt not but it will be objected, That it is unreasonable for Men to be Judges in their own Cases, that Self-love will make Men partial to themselves and their Friends. And on the other side, that Ill Nature, Passion and Revenge will carry them too far in punishing others. And hence nothing but Confusion and Disorder will follow, and that therefore God hath certainly appointed

§ 12 9–10 For Locke's attitude to the law of nature and the claim that it was always beside his present purpose to give its particulars, see Introduction, 82.

10–12 Compare II, § 124, 8–9, verbal parallel.

13–19 This passage is indicative of Locke's hostility to those who would multiply laws, indeed to the law, law-courts and lawyers, especially the Common Lawyers, in general (compare I, § 90, 29–31, note and references). This he shared with the 1st Earl of Shaftesbury: see the 79th and 80th *Fundamental Constitutions of Carolina*, which provide that all statute laws should be null after a century, and that no comments upon the *Constitutions* should be permitted. Elrington (1798) comments that this criterion of a nation's law in terms of natural law, and not the will of a majority, 'points out the true principles of civil government'.

16–19 Compare II, § 135, 23–6, and the striking parallels pointed out by Von Leyden in the *Essays on the Laws of Nature*, 118–19, 188–9, of his 1954 edition.

§ 13 1–2 See II, § 9, 1, note and references. Pollock, 1904, 241–2, comments on a 'strange verbal parallel in that strangest of medieval vagaries the *Mirror of Justices* . . . "Ordinary jurisdiction has every one who is not deprived of it by sin, for every one may judge his neighbour according to the holy rules of right", Book IV, chap II.' On the *Mirror* see II § 239, 42–3 and note.

Government to restrain the partiality and violence of Men. I easily grant, that *Civil Government* is the proper Remedy for the Inconveniences of the State of Nature, which must certainly be Great, where Men may be Judges in their own Case, since 'tis easily to be imagined, that he who was so unjust as to do his Brother an Injury, will scarce be so just as to condemn himself for it: But I shall desire those who make this Objection, to remember that *Absolute Monarchs* are but Men, and if Government is to be the Remedy of those Evils, which necessarily follow from Mens being Judges in their own Cases, and the State of Nature is therefore not to be endured, I desire to know what kind of Government that is, and how much better it is than the State of Nature, where one Man commanding a multitude, has the Liberty to be Judge in his own Case, and may do to all his Subjects whatever he pleases, without the least liberty to any one to question or controle those who Execute his Pleasure? And in whatsoever he doth, whether led by Reason, Mistake or Passion, must be submitted to? Much better it is in the State of Nature wherein Men are not bound to submit to the unjust will of another: And if he that judges, judges amiss in his own, or any other Case, he is answerable for it to the rest of Mankind.

14. 'Tis often asked as a mighty Objection, *Where are*, or ever were, there any *Men in such a State of Nature?* To which it may suffice as an answer at present; That since all *Princes* and Rulers of *Independent* Governments all through the World, are in a State of Nature, 'tis plain the World never was, nor ever will be, without Numbers of Men in that State. I have named all Governors of *Independent* Communities, whether they are, or are not, in League with others: For 'tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing

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22–7 Modified by Locke in his final corrections.

§ 14 1–3 Compare II, § 101, where the full answer is given, perhaps as a later extension—see note there.

1–8 Governments in a state of nature with each other: compare II, § 183, 7–8, II, § 184, 31–2 (an aside in both cases). It is often assumed that Locke was following Hobbes here, perhaps consciously: compare *Leviathan*, chapter 13 (1904, 85), where the sequence of thought is much the same. But Gierke insists that this conception was a commonplace with the natural-law theorists of the time (1934, i, 97): he cites ten authorities on the point (ii, 288), including Pufendorf's *Elementa* and *De Jure Naturae*. If Locke had any writer specifically in mind, it seems most likely that it was Pufendorf. See Introduction, 73.

together mutually to enter into one Community, and make one Body Politick; other Promises and Compacts, Men may make one with another, and yet still be in the State of Nature. The Promises and Bargains for Truck, *&c.* between the two Men in the Desert Island, mentioned by *Garcilasso De la vega*, in his History of *Peru*, or between a *Swiss* and an *Indian*, in the Woods of *America*, are binding to them, though they are perfectly in a State of Nature, in reference to one another. For Truth and keeping of Faith belongs to Men, as Men, and not as Members of Society.

15. To those that say, There were never any Men in the State of Nature; I will not only oppose the Authority of the Judicious *Hooker*, *Eccl. Pol. Lib.* 1. *Sect.* 10. where he says, *The Laws which have been hitherto mentioned*, i.e. the Laws of Nature, *do bind Men absolutely, even as they are Men, although they have never any settled fellowship, never any Solemn Agreement amongst themselves what to do or not to do, but for as much as we are not by our selves sufficient to furnish our selves with competent store of things, needful for such a Life, as our Nature doth desire, a Life, fit for the Dignity of Man*; *therefore*

12–17 In the first state of the 1st edition this passage reads differently, and is the most important variation between the two states. The bargains for truck there are 'Between the two Men in *Soldania*, in or between, a *Swiss* and an *Indian*' and Garcilaso's desert island is not mentioned. It is clear that Locke did not simply add, in the second state, a phrase omitted in the first, because Soldania (Saldanha Bay in South Africa) is not mentioned by Garcilaso, who is concerned with America. Locke seems to have decided to omit this imperfect reference to Soldania altogether, and to substitute for it this incident from Book 1, chapter 8 of Garcilaso's *Commentarios Reales* (34–43, of his French translation of 1633; see note on 1, § 57, 18 and compare 1, § 153, 19–20 and note). He made the following note in his diary on 8 February 1687: 'Pedro Serrano that lived three years in a desolate island alone and after that time another shipwrecked man came to him and being but two they could not agree. Garcilasso de la Vega, Histoire des Incas 1. 1. c. 8.' This correction, therefore, raises the possibility that Locke wrote this passage in 1687, which is considered in the Introduction, 54. The original reference to the Hottentots of Soldania was genuine enough, for Locke frequently cited the example of this people as having no belief in God: these references (in the *Essay* and elsewhere) are listed in Von Leyden, 1954, 65, 81, for Locke cited this region along with Brazil as early as his fifth *Essay on the Law of Nature* (early 1660's, *op. cit.* 174). His information probably came from Terry's *Voyage to East India*, 1655, which was on his shelves in 1681.

18–19 Compared by Von Leyden with the first and seventh *Essays on the Law of Nature* (1954, 81).

§ 15 3–13 Hooker, ed. Keble, 1836, Volume 1, pages 298–9, fairly accurately quoted, with alterations of punctuation. It comes from p. 85 of Locke's 1676 edition, a little after a passage copied into his diary on 2 June 1681; see note on 11, § 5, 7–23.

to supply those Defects and Imperfections which are in us, as living singly and solely by our selves, we are naturally induced to seek Communion and Fellowship with others, this was the Cause of Mens uniting themselves, at first in Politick Societies. But I moreover affirm, That all Men are naturally in that State, and remain so, till by their own Consents they make themselves Members of some Politick Society; And I doubt not in the Sequel of this Discourse, to make it very clear.

CHAP. III.

Of the State of War.

16. THE *State of War* is a State of Enmity and Destruction; And therefore declaring by Word or Action, not a passionate and hasty, but a sedate setled Design, upon another Mans Life, *puts him in a State of War* with him against whom he has declared such an Intention, and so has exposed his Life to the others Power to be taken away by him, or any one that joyns with him in his Defence, and espouses his Quarrel: it being reasonable and just I should have a Right to destroy that which threatens me with Destruction. For *by the Fundamental Law of*

§ 16 *Chapter* III In the same way as chapter II (see note on § 4) this was presumably substantially written in 1679, but certainly amended and extended in 1689 (see, for example, § 17, 18–21 and note) and its text was the subject of the printing confusion in that year.

1 The large type, which is the most conspicuous feature distinguishing the first from the second state of the 1st edition, begins at this point and continues until line 15 of § 17. It may well be the result of the cutting out of part of the text by Locke during the course of printing, but this cannot be confirmed bibliographically, and even if it happened the passage excised need not have come from this area of large type—see Introduction, 8, Laslett, 1952 (iv), and Bowers, Gerritsen and Laslett, 1954. In the second state of the 1st edition the type of this area is of normal size, but it has two variant readings in this paragraph.

9–10 Compare II, § 6, 22; § 7, 3–4; § 128, 3–4; § 129, 1–2; § 135, 31; § 149, 24–5; § 159, 17–18; § 171, 12, etc., and Tyrrell, 1681, 15. On Locke's tendency to regard this law of universal preservation as the fundamental natural law, see footnote to the Introduction, 97. In his *Education* (1695) he says, 'And truly, if the preservation of all mankind, as much as in him lies, were every one's persuasion, as indeed it is every one's duty, and the true principle to regulate our religion, politics and morality by, the world would be much quieter, and better-natured, than it is' (*Works*, 1801, IX, 113).

Nature, Man being to be preserved, as much as possible, when all cannot be preserv'd, the safety of the Innocent is to be preferred: And one may destroy a Man who makes War upon him, or has discovered an Enmity to his being, for the same Reason, that he may kill a *Wolf* or a *Lyon*; because such Men are not under the ties of the Common Law of Reason, have no other Rule, but that of Force and Violence, and so may be treated as Beasts of Prey, those dangerous and noxious Creatures, that will be sure to destroy him, whenever he falls into their Power.

17. And hence it is, that he who attempts to get another Man into his Absolute Power, does thereby *put himself into a State of War* with him; It being to be understood as a Declaration of a Design upon his Life. For I have reason to conclude, that he who would get me into his Power without my consent, would use me as he pleased, when he had got me there, and destroy me too when he had a fancy to it: for no body can desire to *have me in his Absolute Power*, unless it be to compel me by force to that, which is against the Right of my Freedom, *i.e.* make me a Slave. To be free from such force is the only security of my Preservation: and reason bids me look on him, as an Enemy to my Preservation, who would take away that *Freedom*, which is the Fence to it: so that he who makes an *attempt to enslave* me, thereby puts himself into a State of War with me. He that in the State of Nature, *would take away the Freedom*, that belongs to any one in that State, must necessarily be supposed to have a design to take away every thing else, that *Freedom* being the Foundation of all the rest: As he that in the State of Society, would take away the *Freedom* belonging to those of that Society or Common-wealth, must be supposed to design to take away from them every thing else, and so be looked on as *in a State of War*.

18. This makes it Lawful for a Man to *kill a Thief*, who has not in the least hurt him, nor declared any design upon his Life, any farther then by the use of Force, so to get him in his Power,

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16–17 'Beasts of Prey... noxious Creatures'—compare II, § 172, 18–19, note and references: 'and so' to the end of the paragraph may be an addition of 1689.

§ 17 15 'State'—end of large type in first state of 1st edition, see II, § 16, 1.

18–21 This last sentence may be an interpolation of 1689, an implication that James II was 'in a State of War' with Englishmen. Indeed § 18 follows more naturally on to § 16, and the whole paragraph may have been inserted.

§ 18 1 Compare II, § 207, 12–13.

as to take away his Money, or what he pleases from him: because using force, where he has no Right, to get me into his Power, let his pretence be what it will, I have no reason to suppose, that he, who would *take away my Liberty*, would not when he had me in his Power, take away every thing else. And therefore it is Lawful for me to treat him, as one who has put *himself into a State of War* with me, *i.e.* kill him if I can; for to that hazard does he justly expose himself, whoever introduces a State of War, and is *aggressor* in it.

19. And here we have the plain *difference between the State of Nature, and the State of War*, which however some Men have confounded, are as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are one from another. Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is *properly the State of Nature*. But force, or a declared design of force upon the Person of another, where there is no common Superior on Earth to appeal to for relief, *is the State of War*: And 'tis the want of such an appeal gives a Man the Right of War even against an *aggressor*, though he be in Society and a fellow Subject. Thus a *Thief*, whom I cannot harm but by appeal to the Law, for having stolen all that I am worth, I may kill, when he sets on me to rob me, but of my Horse or Coat: because the Law, which was made for my Preservation, where it cannot interpose to secure my Life from present force, which if lost, is capable of no reparation, permits me my own Defence, and the Right of War, a liberty to kill the aggressor, because the aggressor allows not time to appeal to our common Judge, nor the decision of

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§ 19 1–5 A comma should be understood after 'which'. Locke altered the last phrase of this sentence, but then restored the previous reading. The 'some men' can only be the Hobbesists. Compare II, §§ 6 and 7 for the general position and Locke's *Essays on the Law of Nature, c.* 1661. In his fifth *Essay* he leaves it as a possibility that 'there is in the state of nature a general war and a perpetual and deadly hatred among men' as is maintained by some (quod aliqui volunt)—Von Leyden's edition, 1954, 162–3. But in his eighth *Essay* he pronounces against those 'some'. For if by the law of nature men are in a state of war, 'all society is abolished, and all faith, which is the bond of society' (tollitur omnis societas et societatis vinculum fides); see II, § 212, 9–13, and the Introduction. The peaceful condition of the state of nature should be compared with the dangers etc. talked of in II, §§ 13, 92, 101, 123–4, etc.

31–21 Compare II, § 182, 22–3.

the Law, for remedy in a Case, where the mischief may be irreparable. *Want of a common Judge with Authority, puts all Men in a State of Nature: Force without Right, upon a Man's Person, makes a State of War*, both where there is, and is not, a common Judge.

20. But when the actual force is over, the *State of War ceases* between those that are in Society, and are equally on both sides Subjected to the fair determination of the Law; because then there lies open the remedy of appeal for the past injury, and to prevent future harm: but where no such appeal is, as in the State of Nature, for want of positive Laws, and Judges with Authority to appeal to, *the State of War once begun, continues*, with a right to the innocent Party, to destroy the other whenever he can, until the aggressor offers Peace, and desires reconciliation on such Terms, as may repair any wrongs he has already done, and secure the innocent for the future: nay where an appeal to the Law, and constituted Judges lies open, but the remedy is deny'd by a manifest perverting of Justice, and a barefaced wresting of the Laws, to protect or indemnifie the violence or injuries of some Men, or Party of Men, *there* it *is* hard to imagine any thing but *a State of War*. For wherever violence is used, and injury done, though by hands appointed to administer Justice, it is still violence and injury, however colour'd with the Name, Pretences, or Forms of Law, the end whereof being to protect and redress the innocent,

§ 20 2 'sides'—at this point begins the passage which is present in the second state of the 1st edition, but absent in the first state, see Introduction, 8, Laslett, 1952 (iv) and Bowers, Gerritsen and Laslett, 1954. In the first state the text goes straight on to 'And therefore in such Controversies,...' at the beginning of line 15 in § 21, thus: '20. But when the actual force is over, the State of War ceases between those that are in Society, and are equally on both sides Subject to the Judge: And therefore in such controversies...' (and so on, identically with the text in the second state to the end of the paragraph, starting the next as § 22. No sign for a § 21 is present). This anomaly has been variously dealt with by editors of the text; see footnote 2 to p. 342 of Laslett, 1952 (iv) and footnote 1 to p. 83 of Laslett, 1954 (iv). W. S. Carpenter, the editor of the *Everyman* text (*c.* 1924, with many subsequent printings) misnumbered all the paragraphs from this point to 11, §§ 36, 37; see note on line 14 of 11, § 36. Elrington (1798) first noticed this peculiarity, and has a note here on it.

11–23 This passage may well be an addition of 1689, directly referring to the events of the Revolution: the final 'appeal to Heaven' being most significant. It contains (line 15) the phrase which inspired Elrington to the following protest against Locke's theory of resistance, or perhaps the interpretation put on it by Thomas Paine and others.

'But what shall we say of a theory which thus invests an individual with a right of throwing a whole society in confusion for the purpose of redressing his own particular grievance?'

by an unbiassed application of it, to all who are under it; wherever that is not *bona fide* done, *War is made* upon the Sufferers, who having no appeal on Earth to right them, they are left to the only remedy in such Cases, an appeal to Heaven.

21. To avoid this State of War (wherein there is no appeal but to Heaven, and wherein every the least difference is apt to end, where there is no Authority to decide between the Contenders) is one great *reason of Mens putting themselves into Society*, and quitting the State of Nature. For where there is an Authority, a Power on Earth, from which relief can be had by *appeal*, there the continuance of the State of War is excluded, and the Controversie is decided by that Power. Had there been any such Court, any superior Jurisdiction on Earth, to determine the right between *Jephtha* and the *Ammonites*, they had never come to a State of War, but we see he was forced to appeal to *Heaven*. *The Lord the Judge* (says he) *be Judge this day between the Children of* Israel, *and the Children of* Ammon, *Judg.* 11. 27. and then Prosecuting, and relying on his *appeal*, he leads out his Army to Battle: And therefore in such Controversies, where the question is put, *who shall be Judge?* It cannot be meant, who shall decide the Controversie; every one knows what *Jephtha* here tells us, that *the Lord the Judge*, shall judge. Where there is no Judge on Earth, the *Appeal* lies to God in Heaven. That Question then cannot mean, who shall judge? whether another hath put himself in a State of War with me, and whether I may as *Jephtha* did, appeal to Heaven in it? Of that I my self can only be Judge in my own Conscience, as I will answer it at the great Day, to the Supream Judge of all Men.

§ 21 1–5 Hobbes had also made the social state a remedy for the state of war, and this sentence might be called Locke's closest formal approach to him in his political theory. It is interesting that it occurs in a passage omitted from one state of the 1st edition (see Laslett, 1952 (iv)), but it cannot be shown that the two facts are connected.

15 'And'—end of missing passage; see II, § 20, 2, note.

17 '*Jephtha*'—Locke evidently regarded the story of Jephthah as crucial to the scriptural foundations of his case about civil society and justice. See I, § 163, 32; II, § 109, 1–11; II, § 176, 28 and compare note on II, § 168, and references. Grotius and St Augustine before him had used the Jephthah story for political analysis, and Locke may have in mind the Calvinist position expressed by Jurieu (1689, 365) that the Judges, Jephthah among them, represented a stage between the anarchy of primeval innocence and established sovereignty, a stage which inevitably passed because of the effects of the Fall.

CHAP. IV.

Of SLAVERY.

22. THE *Natural Liberty* of Man is to be free from any Superior Power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule. The *Liberty of Man, in Society*, is to be under no other Legislative Power, but that established, by consent, in the Common-wealth, nor under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the Trust put in it. *Freedom* then is not what Sir R. F. tells us,

§ 22 *Chapter* IV There is positive evidence for this chapter, as distinct from presumption in the case of chapters II and III, of composition in 1679 (see note on lines 8–9 below) and of revision in 1689.

1 At this point sheet R begins in the 1st edition; compare notes on II, § 8, 6: there are no further obvious printing peculiarities after this point in the 1st edition.

8–9 'what Sir R. F. tells us, *O.A.* 55'. The only reference to Filmer's works in the *Second Treatise*, though his name is mentioned at II, § 1, 28 and II, § 61, 14. The statement is repeated in II, § 57, 21–2; see note there and on II, § 236. It is one of the many signs that this work, as well as the *First Treatise*, was written with the object of refuting Filmer, in particular against his tracts, whilst the *First* was written against *Patriarcha*. In the Introduction, 58–61 this anomalous form of reference to Filmer—for it will be seen to be quite different from that used in the *First Treatise*—is taken as one of the indications that the *Second Treatise* was written in 1679–80 in some form, and as the clue to the priority in writing of the *Second* to the *First* though Ashcraft disagrees. The entry in Locke's *Tablet* which makes it possible to guess the time of writing of this paragraph is relevant. It refers to a passage in Filmer's *Forms* (Laslett's edition, 2:6): 'amongst all them that plead the necessity of the consent of the people, none hath ever touched upon these so necessary doctrines [that is, of the manner of obtaining it]; it is a task it seems too difficult, otherwise surely it would not have been neglected, considering how necessary it is to resolve the conscience, touching the manner of the peoples passing their consent'.

Such, then, was the statement which Locke had in mind when he wrote in his *Tablet* 'Filmer to resolve the conscience' and went on to compose this part of the *Second Treatise*. The same point about law and freedom appears also in his *Essay concerning Humane Understanding*, IV, iii, 18: '"No government allows absolute liberty." The idea of government being the establishment of society upon certain rules or laws which require conformity to them; and the idea of absolute liberty being for any one to do whatever he pleases; I am as capable of being certain of the truth of this proposition as of any in mathematics' (Nidditch, ed., 550)—see Introduction, 83. Elrington (1798) is disturbed by the implications of this paragraph and finds it contradictory. He concludes that the great *desideratum* is an agreed definition of liberty: 'Whether Locke has given such a definition the reader will judge.'

O.A. 55 [224]. *A Liberty for every one to do what he lists, to live as he pleases, and not to be tyed by any Laws:* But *Freedom of Men under Government*, is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; A Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man. As *Freedom of Nature* is to be under no other restraint but the Law of Nature.

23. This *Freedom* from Absolute, Arbitrary Power, is so necessary to, and closely joyned with a Man's Preservation, that he cannot part with it, but by what forfeits his Preservation and Life together. For a Man, not having the Power of his own Life, *cannot*, by Compact, or his own Consent, *enslave himself* to any one, nor put himself under the Absolute, Arbitrary Power of another, to take away his Life, when he pleases. No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it. Indeed having, by his fault, forfeited his own Life, by some Act that deserves Death; he, to whom he has forfeited it, may (when he has him in his Power) delay to take it, and make use of him to his own Service, and he does him no injury by it. For, whenever he finds the hardship of his Slavery out-weigh the value of his Life, 'tis in his Power, by resisting the Will of his Master, to draw on himself the Death he desires.

24. This is the perfect condition of *Slavery*, which *is* nothing else, but *the State of War continued, between a lawful Conquerour, and a Captive.* For, if once *Compact* enter between them, and make an agreement for a limited Power on the one side, and Obedience

§ 23 This paragraph invites comparison and contrast with Hobbes's *Leviathan*, chapter 20, especially pp. 142–3 (1904 edition). Hobbes did maintain that a man can enslave himself by compact and consent, because he can bargain away the power over his own life. Locke, however, seems to contradict himself in his last sentence by justifying indirect suicide; compare also II, § 6, 3–4; § 135, 9–12 (a parallel passage); and § 178, 5–6, note and reference. Elrington (1798) urges this against him, and also objects to 'the indefinite continuance of a right to take away the life of another'. Dunn, 1969(i) (see especially footnote 2 on p. 108 and references) insists that Locke always respected the suicide taboo.

§ 24 1–8 See § 23 and compare § 85, 8–16. In gauging Locke's attitude to slavery it is worth bearing in mind that, as Leslie Stephen pointed out (1902, II, 139), the *Fundamental Constitutions of Carolina* provide that every freeman 'shall have absolute power and authority over his negro slaves' (ex); compare notes on 1, § 130, 6, and 1, § 144, 23. The Instructions to Governor Nicholson of Virginia, which Locke did so much to draft in 1698 (see Laslett, 1957 (i)), regard negro slaves as justifiably enslaved because they were captives taken in a just war,

on the other, the State of War and *Slavery* ceases, as long as the Compact endures. For, as has been said, no Man can, by agreement, pass over to another that which he hath not in himself, a Power over his own Life.

I confess, we find among the *Jews*, as well as other Nations, that Men did sell themselves; but, 'tis plain, this was only to *Drudgery*, *not to Slavery*. For, it is evident, the Person sold was not under an Absolute, Arbitrary, Despotical Power. For the Master could not have power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his Service: and the Master of such a Servant was so far from having an Arbitrary Power over his Life, that he could not, at pleasure, so much as maim him, but the loss of an Eye, or Tooth, set him free, *Exod.* XXI.

CHAP. V.

Of PROPERTY.

25. WHether we consider natural *Reason*, which tells us, that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: Or *Revelation*, which gives

who had forfeited their lives 'by some Act that deserves Death' (§ 23, 10; compare Tyrrell, 1681, 62). Locke seems satisfied that the forays of the Royal Africa Company were just wars of this sort, and that the negroes captured had committed such acts. Locke on slavery is discussed by Polin, 1960, 277–81, and Dunn, 1969; 175 etc.

9–16 In Exod. xxi the Mosaic law regulates the treatment of bought servants; they are to be freed in the seventh, Jubilee year, not to be killed, to be freed if maimed by their masters. Hobbes notices this and Grotius calls it 'imperfecta servitus', II, v, 30 (1712, 264).

§ 25 *Chapter* V This important chapter is obviously integral to Locke's argument, and it is also obviously part of his polemic against Filmer—see notes on lines 9–16 and 16–19 below, and on II, § 38, 9–11, etc. Olivecrona takes a different view of 9–16 and the date of the chapter. There is nothing, however, to indicate that it was written in 1689, or at any time later than the first form of the book, though it was perhaps subsequently amended, and it will be remembered that it falls within that part of the 1st edition which could have been modified in the course of printing. Apart from this, it seems right to me to suppose that the chapter is to be dated between 1679 and 1681.

1–3 This discussion of property is referred to in I, § 87, 14–15, and I, § 86, 1–4 echoes the language used here. Kendall, 1941, 77, notes the illogical transition from 'men' here, meaning individuals, to 'mankind' in line 8.

us an account of those Grants God made of the World to *Adam*, and to *Noah*, and his Sons, 'tis very clear, that God, as King *David* says, *Psal.* CXV. xvj. *has given the Earth to the Children of Men*, given it to Mankind in common. But this being supposed, it seems to some a very great difficulty, how any one should ever come to have a *Property* in any thing: I will not content my self to answer, That if it be difficult to make out *Property*, upon a supposition, that God gave the World to *Adam* and his Posterity in common; it is impossible that any Man, but one universal Monarch, should have any *Property*, upon a supposition, that God gave the World to *Adam*, and his Heirs in Succession, exclusive of all the rest of his Posterity. But I shall endeavour to shew, how Men might come to have a *property* in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners.

26. God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience. The Earth, and all that is therein, is given to Men for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beasts it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature; and no body has originally a private Dominion, exclusive of the rest of Mankind, in any of them, as they are thus in their natural state: yet being given for the use of Men, there must of necessity be a means *to appropriate* them some way or other before they can be of any use, or at all beneficial

6–8 The biblical evidence for original communism, or rather against the primacy of private property, is discussed at length in the *First Treatise*; see I, § 21 and on: the text from Psalm cxv is cited in I, § 31 as part of a reference to Filmer's case.

9–16 Compare the *First Treatise*. Olivecrona, 1975, argues that the lines were put in later and the paragraph and chapter were written in ignorance of Filmer's position, a view which I cannot share: see next note.

16–19 This sentence confirms that this paragraph, and the whole chapter on property which follows, were written with Filmer's works in mind, and as a direct refutation of them. For it was Filmer who has raised the difficulty that original communism could not give way to private property without the universal consent of mankind. The discussions in Hobbes (the *Epistola Dedicatoria* of *De Cive*, 1647, presents the issue most clearly), Grotius (1625, II, ii, 2) and Pufendorf (1672, IV, 3) do not discuss this crux as Filmer does.

§ 26 Compare and contrast the discussion of the goods of nature in this paragraph with Pufendorf, *De Jure Naturae*, 1672, IV, iv, 13, and Locke's own earlier sentiments in his eighth *Essay on the Law of Nature*, which are markedly different: Von Leyden, 1954, 210–11.

12–16 Compare II, § 28, 16–26, note and references.

to any particular Man. The Fruit, or Venison, which nourishes the wild *Indian*, who knows no Inclosure, and is still a Tenant in common, must be his, and so his, *i.e.* a part of him, that another can no longer have any right to it, before it can do him any good for the support of his Life.

27. Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body,

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§ 27 Compare Locke's introduction of the proposition about labour and property in this paragraph, its predecessor and those following, with that of Tyrrell: 'Supposing the Earth and the fruits thereof to have been at first bestowed in Common on all its inhabitants; yet since God's first command to man was, encrease and multiply, if he hath a right to perform the end, he hath certainly a right to the means of his preservation, and the propagation of his species, so that though the fruits of the earth, or beasts, for food, were all in common, yet when once any man had by his own labour acquired such a proportion of either as would serve the necessities of himself and Family, they became so much his own as that no man could without manifest injustice rob him of those necessities' (1681, 99–100, second pagination). Tyrrell goes on to talk of 'this sort of community' being retained among the Americans, the wild beast the Indian kills (compare II, § 30, 1–2), the fish he takes up (*ibid.* 8), the fruit of his trees and his venison (II, § 26, 12). But he talks in this parallel way in a different context. Following Grotius, he refers to the Stoic axiom about seats in the theatre, and cites many other arguments about property, ignored by Locke: for him the labour proposition is not the one rational method of making use of the earth's produce, but rather a ground for retaining property acquired, and he does not talk of a man owning himself (compare note on II, § 32, 1–7). These points, and the known relationship between them (see above, 59–61), it may imply that Locke suggested this line of thinking to Tyrrell, who followed it without quite realizing what it meant to Locke. It is not impossible that they arrived at this position independently, for in a work published in 1680 but described on the title as 'Mostly written many years past' Richard Baxter writes in vaguer but in similar terms: '*Propriety* is *naturally antecedent* to *Government*, which doth not *Give it*, but *regulate it* to the *Common good*: Every man is born with a propriety in his *own members*, and nature giveth him a propriety in *his Children*, and his *food* and other just *acquisitions* of his industry. Therefore no Ruler can justly deprive men of their *propriety*, unless it be by some *Law of God* (as in execution of justice on such as forfeit it) or by their *own consent*, by *themselves* or their Delegates or *Progenitors*; And men's *lives* and *Liberties* are the chief parts of their propriety. That is the peoples just *reserved Property*, and *Liberty*, which neither *God taketh from them*, by the power which his own Laws give the Ruler, nor is *given away* by their *own* foresaid consent' (Baxter, 1680, 54–5; see Schlatter, 1957, 39, and compare passage from Baxter's *Holy Commonwealth*, cited by Gough, 1950, 80).

What Baxter says here about life, liberty and property shows that he had the same combined definition of property as Locke, both an extended and a specific definition; see Introduction, 101 and note on II, § 87, 5. It is possible to find many much vaguer hints at what is too loosely called the labour theory of value (in Petty, 1662, for example, of which Locke had the 1667 printing (H. and L. 2839), or even in Hobbes; see Gough, 1950, 81) but these are the only passages in books he may have read known to me which seem to show a systematic resemblance. See also the hint in I, § 42, 11–15.

2 Repeated in II, § 173, 5, cf. Walwyn, the Leveller quoted Macpherson, 1962, 140.

and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property*. It being by him removed from the common State Nature placed it in, it hath by this *labour* something annexed to it, that excludes the common right of other Men. For this *Labour* being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others.

28. He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but the nourishment is his. I ask then, When did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. That *labour* put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done; and so they became his private right. And will any one say he had no right to those Acorns or Apples he thus appropriated, because he had not the consent of all Mankind to make them his? Was it a Robbery thus to assume to himself what belonged to all in Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in *Commons*, which remain

§ 28 1–4 Compare Pufendorf, *De Jure Naturae*, 1672, IV, iv, 13, 'Quercus erat nullius: quae deciderant glandes ejus fiebant, qui legisset'. Gough, 1950, draws attention to this parallel, and to Blackstone's account of the clash between Locke on the one hand and both Pufendorf and Grotius on the other in their views on the origin of property. For in spite of the above coincidence about acorns, Pufendorf follows Grotius in assigning the origin of property to universal agreement, not labour. Barbeyrac, in his edition of Pufendorf's *De Jure Naturae*, registers his agreement with Locke's views on this matter, and maintains that Locke was the first to formulate it, earlier than the only other author he quotes, C. G. Titius of Leipzig (1661–1714). He also notes that Locke's discussion grew out of his refutation of Filmer: Barbeyrac, 1734, I, 576–7. Barbeyrac corresponded with Locke (see Introduction, 75n), and no man in the early eighteenth century was in a generally better position than he to know about the relationship of his writings with the natural-law jurists and with the whole tradition of social and political theory.

16–26 Locke is using here the language of agrarian enclosure, the parcelling out of the common fields of the traditional manor as private property, which was so marked a feature of English economic history in the sixteenth century, in his own

so by Compact, that 'tis the taking any part of what is common, and removing it out of the State Nature leaves it in, which *begins the Property*; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg'd in any place where I have a right to them in common with others, become my *Property*, without the assignation or consent of any body. The *labour* that was mine, removing them out of that common State they were in, hath *fixed* my *Property* in them.

29. By making an explicit consent of every Commoner, necessary to any ones appropriating to himself any part of what is given in common, Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part. Though the Water running in the Fountain be every ones, yet who can doubt, but that in the Pitcher is his only who drew it out? His *labour* hath taken it out of the hands of Nature, where it was common, and belong'd equally to all her Children, and *hath* thereby *appropriated* it to himself.

30. Thus this Law of reason makes the Deer, that *Indian's* who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one. And amongst those who are counted the Civiliz'd part of Mankind, who have made and multiplied positive Laws to determine Property, this original Law of Nature for the *beginning of Property*, in what was before common, still takes place; and by vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergriese any one takes up here, is *by* the *Labour* that removes it out

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time to some extent, and even more in the eighteenth century; see also II, § 32, 7–10; § 35; § 42, 17–20; § 37, 10–29. It is not quite consistent with his statement about enclosure and the Indians in II, § 26, 12–16, for the Indian lived in a state of nature, before compact had taken place. Here '*Commons*' must mean the common land of the traditional manorial system, remaining so 'by Compact'. As Locke makes clear in II, § 35, only the men of the manor, and not just anyone, could usually graze, turf and mine on the common land, and then only if the custom of the manor allowed. It is a bad example of communism. Lines 24–6 contain the only example of Locke transferring labour from one man to another. See the discussion in Macpherson, 1962, Laslett, 1964.

§ 30 1–4 Compare I, § 86, 19–28, Tully, 1980, Wood, 1984.

of that common State Nature left it in, *made* his *Property* who takes that pains about it. And even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no Man's private Possession; whoever has imploy'd so much *labour* about any of that kind, as to find and pursue her, has thereby removed her from the State of Nature, wherein she was common, and hath *begun a Property*.

31. It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, *&c.* makes a right to them, then any one may *ingross* as much as he will. To which I Answer, Not so. The same Law of Nature, that does by this means give us Property, does also *bound* that *Property* too. *God has given us all things richly*, 1 Tim. vi. 17. is the Voice of Reason confirmed by Inspiration. But how far has he given it us? *To enjoy*. As much as any one can make use of to any advantage of life before it spoils; so much he may by his labour fix a Property in. Whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for Man to spoil or destroy. And thus considering the plenty of natural Provisions there was a long time in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend it self, and ingross it to the prejudice of others; especially keeping within the *bounds*, set by reason of what might serve for his *use*; there could be then little room for Quarrels or Contentions about Property so establish'd.

32. But the *chief matter of Property* being now not the Fruits of the Earth, and the Beasts that subsist on it, but the *Earth it self*; as that which takes in and carries with it all the rest: I think it is plain, that *Property* in that too is acquired as the former. *As much Land* as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his *Property*. He by his Labour does,

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§ 31 6 Compare 1, § 40, 19–20.

§ 32 1–7 Tyrrell extends the labour theory to the possession of land in the same way as Locke, but with the same difference. Labour confirms a man's property in what he rightfully possesses, 'since the owner hath possessed himself of this land, and bestowed his Labour and Industry upon it' no man can take it away (1681, 112, 2nd pagination). See note on 11, § 27.

7–10 The language of agrarian enclosure, see 11, § 28, 16–26, and references.

as it were, inclose it from the Common. Nor will it invalidate his right to say, Every body else has an equal Title to it; and therefore he cannot appropriate, he cannot inclose, without the Consent of all his Fellow-Commoners, all Mankind. God, when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth, *i.e.* improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in Obedience to this Command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his *Property*, which another had no Title to, nor could without injury take from him.

33. Nor was this *appropriation* of any parcel of *Land*, by improving it, any prejudice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his inclosure for himself. For he that leaves as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd by the drinking of another Man, though he took a good Draught, who had a whole River of the same Water left him to quench his thirst. And the Case of Land and Water, where there is enough of both, is perfectly the same.

34. God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsom and Contentious. He that had as good left for his Improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's Labour: If he did, 'tis plain he desired the benefit of another's Pains, which he had no right to, and not the Ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his Industry could reach to.

35. 'Tis true, in *Land* that is *common* in *England*, or any other Country, where there is Plenty of People under Government, who have Money and Commerce, no one can inclose or appropriate any part, without the consent of all his Fellow-Commoners: Because this is left common by Compact, *i.e.* by the Law of the Land, which is not to be violated. And though it be Common, in respect of some Men, it is not so to all Mankind; but is the joint property of this Country, or this Parish. Besides, the remainder, after such inclosure, would not be as good to the rest of the Commoners as the whole was, when they could all make use of the whole: whereas in the beginning and first peopling of the great Common of the World, it was quite otherwise. The Law Man was under, was rather for *appropriating*. God Commanded, and his Wants forced him to *labour*. That was his *Property* which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion, we see are joyned together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to *appropriate*. And the Condition of Humane Life, which requires Labour and Materials to work on, necessarily introduces *private Possessions*.

36. The measure of Property, Nature has well set, by the Extent of Mens *Labour, and the Conveniency of Life*: No Mans Labour could subdue, or appropriate all: nor could his Enjoyment consume more than a small part; so that it was impossible for any Man, this way, to intrench upon the right of another, or acquire, to himself, a Property, to the Prejudice of his Neighbour, who would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated. This *measure* did confine every Man's *Possession*, to a very moderate Proportion, and such as he might appropriate to himself, without

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§ 35 Here Locke seems to recognize the inappropriateness of agrarian enclosure to his argument (see note on II, § 28, 16–26), but he persists. His statements are accurate, but vague, and it is interesting that the words 'Country' (presumably in its older meaning of 'locality') and 'Parish' are used where 'Manor' might be expected (line 8).

8 'property'—altered by Locke from 'propriety' in 1698; compare title to chapter VII of the *First Treatise*.

§ 36 9–25 The smallness of men's possessions in early Biblical times is commented on in I, § 136, 11. This passage is a direct statement of Locke's assumption that the state of nature in contemporary America can be assimilated to the conditions of patriarchal times, compare note on I, § 130.

Injury to any Body in the firſt Ages of the World, when Men were more in danger to be loſt, by wandering from their Company, in the then vaſt Wilderness of the Earth, than to be ſtraitned for want of room to plant in. And the same *measure* may be allowed ſtill, without prejudice to any Body, as full as the World seems. For supposing a Man, or Family, in the ſtate they were, at firſt peopling of the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the *Possessions* he could make himself upon the *measures* we have given, would not be very large, nor, even to this day, prejudice the reſt of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the small number [which] was at the beginning. Nay, the extent of *Ground* is of so little value, *without labour*, that I have heard it affirmed, that in *Spain* it self, a Man may be permitted to plough, sow, and reap, without being diſturbed, upon Land he has no other Title to, but only his making use of it. But, on the contrary, the Inhabitants think themselves beholden to him, who, by his Induſtry on neglected, and consequently waſte Land, has increased the ſtock of Corn, which they wanted. But be this as it will, which I lay no ſtress on; This I dare boldly affirm, That the same *Rule of Propriety*, (*viz.*) that every Man should have as much as he could make use of, would hold ſtill in the World, without ſtraitning any body, since there is Land enough in the World to suffice double the Inhabitants had not the *Invention of Money*, and the tacit Agreement of Men to put a value on it, introduced (by Consent) larger Possessions, and a Right to them; which, how it has done, I shall, by and by, shew more at large.

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14 The *Everyman* text, having misnumbered its paragraphs since II, § 20, starts a new paragraph (§ 36) after 'plant in.', omitting the 'And'—see note on II, § 20, 2.

26–34 Private appropriation of waste land in this way was possible all over Spain in Locke's day, and is apparently still the custom in Andalusia. In Aragon the land, in the mountain area, had to be cleared within sixty days to become the property of the cultivator: in Catalonia such ownership became absolute once the plot had been worked, but lapsed if it was left uncultivated for three years: in Castile the labourer could only take enough for himself and his family. See Costa, 1898, 250–63. I owe this reference and information to Dr J. H. Elliott. Compare II, § 184, 27–9.

39–40 See II, § 45 and note: II, § 46 on.

37. This is certain, That in the beginning, before the desire of having more than Men needed, had altered the intrinsick value of things, which depends only on their usefulness to the Life of Man; or [Men] had *agreed, that a little piece of yellow Metal*, which would keep without wasting or decay, should be worth a great piece of Flesh, or a whole heap of Corn; though Men had a Right to appropriate, by their Labour, each one to himself, as much of the things of Nature, as he could use: Yet this could not be much, nor to the Prejudice of others, where the same plenty was still left, to those who would use the same Industry. To which let me add, that he who appropriates land to himself by his labour, does not lessen but increase the common stock of mankind. For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compasse) ten times more, than those, which are yielded by an acre of Land, of an equal richnesse, lyeing wast in common. And therefor he, that incloses Land and has a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres to Mankind. For his labour now supplys him with provisions out of ten acres, which were but the product of an hundred lying in common. I have here rated the improved land very low in making its product but as ten to one, when it is much nearer an hundred to one. For I aske whether in the wild woods and uncultivated wast of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will yield the needy and wretched inhabitants as many conveniencies of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated?

Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed, as many of the Beasts as he could; he that so employed his Pains about any of the

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§ 37 4 'Men'—added by editor.

10–29 Passage added in two parts in the Christ's copy, also recalling English agrarian enclosure, or even justifying it; see note on 11, § 28, 16–26. It is taken by Macpherson (1951, 559 and 1962, 212 on) to have been inserted by Locke to remove the 'sufficiency limitation' on the acquisition of property, which obtained before money was introduced.

32–41 Cited by Kendall, 1941, 72, as a conspicuous example of 'the "public" right to interfere with the liberty and property of private persons', making against the individualist interpretation of Locke's theory of property; see Introduction, 105.

spontaneous Products of Nature, as any way to alter them, from the State which Nature put them in, *by* placing any of his *Labour* on them, did thereby *acquire a Propriety in them*: But if they perished, in his Possession, without their due use; if the Fruits rotted, or the Venison putrified, before he could spend it, he offended against the common Law of Nature, and was liable to be punished; he invaded his Neighbour's share, for he had *no Right, farther than his Use* called for any of them, and they might serve to afford him Conveniencies of Life.

38. The same *measures* governed the *Possession of Land* too: Whatsoever he tilled and reaped, laid up and made use of, before it spoiled, that was his peculiar Right; whatsoever he enclosed, and could feed, and make use of, the Cattle and Product was also his. But if either the Grass of his Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other. Thus, at the beginning, *Cain* might take as much Ground as he could till, and make it his own Land, and yet leave enough to *Abel*'s Sheep to feed on; a few Acres would serve for both their Possessions. But as Families increased, and Industry inlarged their Stocks, their *Possessions inlarged* with the need of them; but yet it was commonly *without any fixed property in the ground* they made use of, till they incorporated, settled themselves together, and built Cities, and then, by consent, they came in time, to set out the *bounds of their distinct Territories*, and agree on limits between them and their Neighbours, and by Laws within themselves, settled the *Properties* of those of the same Society. For we see, that in that part of the World which was first inhabited, and therefore like to be best peopled, even as low down as *Abraham*'s time, they wandred with their Flocks, and their Herds, which was their substance, freely up and down; and this *Abraham* did, in a Country where he was a Stranger. Whence it is plain, that at least, a great part of the *Land lay in common*; that the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place,

§ 38 9–11 These three lines are a paraphrase of a quotation by Filmer from Selden's *Mare Clausum*; see Laslett's edition, 63–4. The passage is given in full in 1, § 76 and commented upon; see note there.

for their Herds to feed together, they, by consent, as *Abraham* and *Lot* did, *Gen.* xiii. 5. separated and inlarged their pasture, where it best liked them. And for the same Reason *Esau* went from his Father, and his Brother, and planted in *Mount Seir*, Gen. xxxvi. 6.

39. And thus, without supposing any private Dominion, and property in *Adam*, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the *World* given as it was to the Children of Men *in common*, we see how *labour* could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of Right, no room for quarrel.

40. Nor is it so strange, as perhaps before consideration it may appear, that the *Property of labour* should be able to over-ballance the Community of Land. For 'tis *Labour* indeed that *puts the difference of value* on every thing; and let any one consider, what the difference is between an Acre of Land planted with Tobacco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it, and he will find, that the improvement of *labour makes* the far greater part of *the value*. I think it will be but a very modest Computation to say, that of the *Products* of the Earth useful to the Life of Man $\frac{9}{10}$ are the *effects of labour*: nay, if we will rightly estimate things as they come to our use, and cast up the several Expences about them, what in them is purely owing to *Nature*, and what to *labour*, we shall find, that in most of them $\frac{99}{100}$ are wholly to be put on the account of *labour*.

41. There cannot be a clearer demonstration of any thing, than several Nations of the *Americans* are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having furnished as liberally as any other people, with the materials of

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28–9 See 1, § 135, 7, verbal parallel.

31 See 1, § 117, 4–5. It is obvious from these parallels that this paragraph was written with Filmer's argument and Filmer's text in mind. Locke is sketching his account of the passage from a state of nature to a state of society in terms of biblical history.

§ 39 Also clearly directed against Filmer: its argument occupies a great deal of the *First Treatise*, which surely would have been referred to here if it had been written at the time.

Plenty, *i.e.* a fruitful Soil, apt to produce in abundance, what might serve for food, rayment, and delight; yet for want of improving it by labour, have not one hundreth part of the Conveniencies we enjoy: And a King of a large and fruitful Territory there feeds, lodges, and is clad worse than a day Labourer in *England.*

42. To make this a little clearer, let us but trace some of the ordinary provisions of Life, through their several progresses, before they come to our use, and see how much they receive of their *value from Humane Industry.* Bread, Wine and Cloth, are things of daily use, and great plenty, yet notwithstanding, Acorns, Water, and Leaves, or Skins, must be our Bread, Drink and Clothing, did not *labour* furnish us with these more useful Commodities. For whatever *Bread* is more worth than Acorns, *Wine* than Water, and *Cloth* or *Silk* than Leaves, Skins, or Moss, that is wholly *owing to labour* and industry. The one of these being the Food and Rayment which unassisted Nature furnishes us with; the other provisions which our industry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then see, how much *labour makes the far greatest part of the value* of things, we enjoy in this World: And the ground which produces the materials, is scarce to be reckon'd in, as any, or at most, but a very small, part of it; So little, that even amongst us, Land that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is, *waste*; and we shall find the benefit of it amount to little more than nothing. This shews, how much numbers of men are to be preferd to largenesse of dominions, and that the increase of lands

§ 42 17–21 A further reference to open-field tillage in England; see II, § 28, 16–26, note and references. The '*waste*' (waste) of line 20 was the manorial land outside the fields, often a grazing area of some value, and Locke's implied criticism of the system is once more a little out of place in this context, though it is interesting that he should have made it.

21–8 A marginal addition in the Christ's copy, dating from the later 1690's (probably after 1698) and belonging therefore to the period of Locke's activities at the Board of Trade—see Laslett, 1957 (i). It is very significant of his attitude to that institution and his policy for it, and for King William III's government in its struggle with France, particularly the insistence on increased population (compare I, § 33, 13–27 and note) as against territory as a source of power, and the criticism of the 'narrownesse of Party'. The reference to a 'wise and godlike' Prince (compare II, § 166, 1), reveals the sense in which Locke, the enemy of divine-kingship, accepted the metaphor of divinity for the ruler as he thought of him.

and the right imploying of them is the great art of government. And that Prince who shall be so wise and godlike as by established laws of liberty to secure protection and incouragement to the honest industry of Mankind against the oppression of power and narrownesse of Party will quickly be too hard for his neighbours. But this bye the bye. To return to the argument in hand.

43. An Acre of Land that bears here Twenty Bushels of Wheat, and another in *America*, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsick Value. But yet the Benefit Mankind receives from the one, in a Year, is worth 5 *l.* and from the other possibly not worth a Penny, if all the Profit an *Indian* received from it were to be valued, and sold here; at least, I may truly say, not $\frac{1}{1000}$. 'Tis *Labour* then which *puts the greatest part of Value upon Land*, without which it would scarcely be worth any thing: 'tis to that we owe the greatest part of all its useful Products: for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies wast, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Thresher's Toil, and the Bakers Sweat, is to be counted into the *Bread* we eat; the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber imployed about the Plough, Mill, Oven, or any other Utensils, which are a vast Number, requisite to this Corn, from its being seed to be sown to its being made Bread, must all be *charged on* the account of *Labour*, and received as an effect of that: Nature and the Earth furnished only the almost worthless Materials, as in themselves. 'Twould be a strange *Catalogue of things, that Industry provided and made use of, about every Loaf of Bread*, before it came to our use, if we could trace them; Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime, Cloth, Dying-Drugs, Pitch, Tar, Masts, Ropes, and all the Materials made use of in the Ship, that brought any of the Commodities made use of by any of the Workmen, to any part of the Work, all which, 'twould be almost impossible, at least too long, to reckon up.

44. From all which it is evident, that though the things of Nature are given in common, yet Man (by being Master of himself, and *Proprietor of his own Person*, and the Actions or *Labour* of it) had still in himself *the great Foundation of Property*; and that which

made up the great part of what he applyed to the Support or Comfort of his being, when Invention and Arts had improved the conveniencies of Life, was perfectly his own, and did not belong in common to others.

45. Thus *Labour*, in the Beginning, *gave a Right of Property*, where-ever any one was pleased to imploy it, upon what was common, which remained, a long while, the far greater part, and is yet more than Mankind makes use of. Men, at first, for the most part, contented themselves with what un-assisted Nature offered to their Necessities: and though afterwards, in some parts of the World, (where the Increase of People and Stock, with the *Use of Money*) had made Land scarce, and so of some Value, the several *Communities* settled the Bounds of their distinct Territories, and by Laws within themselves, regulated the Properties of the private Men of their Society, and so, *by Compact* and Agreement, *settled the Property* which Labour and Industry began; and the Leagues that have been made between several States and Kingdoms, either expressly or tacitly disowning all Claim and Right to the Land in the others Possession, have, by common Consent, given up their Pretences to their natural common Right, which originally they had to those Countries, and so have, by *positive agreement*, *settled a Property* amongst themselves, in distinct Parts and parcels of the Earth: yet there are still *great Tracts of Ground* to be found, which (the Inhabitants thereof not having joyned with the rest of Mankind, in the consent of the Use of their common Money) *lie waste*, and are more than the People, who dwell on it, do, or can make use of, and so still lie in common. Tho' this can scarce happen amongst that part of Mankind, that have consented to the Use of Money.

46. The greatest part of *things really useful* to the Life of Man, and such as the necessity of subsisting made the first Commoners of

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§ 45 Beginning of the argument promised in II, § 36, 39–40, continued until § 51; compare II, § 184.

20–2 It is all mankind, not a particular collection or society, which consents to the use of money, that is precious metals. Locke had stated this in his first writing on money (see note on § 46, 5–7), but this fact is used somewhat obscurely in this paragraph to relate the origin of the property of individuals in objects and the land with the ownership of areas of the earth by nations or states. It was traditional to consider these two forms of ownership side by side, for example, in Grotius and Pufendorf.

the World look after, as it doth the *Americans* now, *are* generally things *of short duration*; such as, if they are not consumed by use, will decay and perish of themselves: Gold, Silver, and Diamonds, are things, that Fancy or Agreement hath put the Value on, more then real Use, and the necessary Support of Life. Now of those good things which Nature hath provided in common, every one had a Right (as hath been said) to as much as he could use, and had a Property in all that he could affect with his Labour: all that his Industry could extend to, to alter from the State Nature had put it in, was his. He that *gathered* a Hundred Bushels of Acorns or Apples, had thereby a *Property* in them; they were his Goods as soon as gathered. He was only to look that he used them before they spoiled; else he took more then his share, and robb'd others. And indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to any body else, so that it perished not uselesly in his Possession, these he also made use of. And if he also bartered away Plumbs that would have rotted in a Week, for Nuts that would last good for his eating a whole Year, he did no injury; he wasted not the common Stock; destroyed no part of the portion of Goods that belonged to others, so long as nothing perished uselesly in his hands. Again, if he would give his Nuts for a piece of Metal, pleased with its colour; or exchange his Sheep for Shells, or Wool for a sparkling Pebble or a Diamond, and keep those by him all his Life, he invaded not the Right of others, he might heap up as much of these durable things as he pleased; the *exceeding of the bounds of his* just *Property* not lying in the largeness of his Possession, but the perishing of any thing uselesly in it.

47. And thus *came in the use of Money*, some lasting thing that Men might keep without spoiling, and that by mutual consent

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§ 46 5–7 Compare II 184, 15–18 and note, and Locke's *Considerations of Interest and Money*, drafted about 1668, published in 1692 (see Introduction, 29 and note). 'For mankind, having consented to put an imaginary value upon gold and silver, by reason of their durableness, scarcity, and not being very liable to be counterfeited, have made them, by general consent, the common pledges.' It is universal consent, world-wide, for foreigners are insisted on (*Works*, 1801, v, 22). There is some resemblance between Locke's account of the origin and functions of money and that of Matthew Wren, *Monarchy Asserted*, 1660, see p. 22 on. Locke owned this book (H. and L. 3188).

§47 Compare *Considerations:* Money has a value, as it is capable, by exchange, to procure us the necessaries, or conveniences of life, and in this it has the nature of a commodity' (1801, 5, 34).

Men would take in exchange for the truly useful, but perishable Supports of Life.

48. And as different degrees of Industry were apt to give Men Possessions in different Proportions, so this *Invention of Money* gave them the opportunity to continue and enlarge them. For supposing an Island, separate from all possible Commerce with the rest of the World, wherein there were but a hundred Families, but there were Sheep, Horses and Cows, with other useful Animals, wholsome Fruits, and Land enough for Corn for a hundred thousand times as many, but nothing in the Island, either because of its Commonness, or Perishableness, fit to supply the place of *Money*: What reason could any one have there to enlarge his Possessions beyond the use of his Family, and a plentiful supply to its Consumption, either in what their own Industry produced, or they could barter for like perishable, useful Commodities, with others? Where there is not something both lasting and scarce, and so valuable to be hoarded up, there Men will not be apt to enlarge their *Possessions of Land*, were it never so rich, never so free for them to take. For I ask, What would a Man value Ten Thousand, or an Hundred Thousand Acres of excellent *Land*, ready cultivated, and well stocked too with Cattle, in the middle of the in-land Parts of *America*, where he had no hopes of Commerce with other Parts of the World, to draw *Money* to him by the Sale of the Product? It would not be worth the inclosing, and we should see him give up again to the wild Common of Nature, whatever was more than would supply the Conveniencies of Life to be had there for him and his Family.

49. Thus in the beginning all the World was *America*, and more so than that is now; for no such thing as *Money* was any where known. Find out something that hath the *Use and Value of Money* amongst his Neighbours, you shall see the same Man will begin presently to *enlarge* his *Possessions*.

50. But since Gold and Silver, being little useful to the Life of Man in proportion to Food, Rayment, and Carriage, has its *value* only from the consent of Men, whereof Labour yet makes,

§ 49 1 Compare II, § 108, 1–2.

in great part, *the measure*, it is plain, that Men have agreed to disproportionate and unequal Possession of the Earth, they having by a tacit and voluntary consent found out a way, how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus, Gold and Silver, which may be hoarded up without injury to any one, these metalls not spoileing or decaying in the hands of the possessor. This partage of things, in an inequality of private possessions, men have made practicable out of the bounds of Societie, and without compact, only by putting a value on gold and silver and tacitly agreeing in the use of Money. For in Governments the Laws regulate the right of property, and the possession of land is determined by positive constitutions.

51. And thus, I think, it is very easie to conceive without any difficulty, *how Labour could at first begin a title of Property* in the common things of Nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quarrelling about Title, nor any doubt about the largeness of Possession it gave. Right and conveniency went together; for as a Man had a Right to all he could imploy his Labour upon, so he had no temptation to labour for more than he could make use of. This left no room for Controversie about the Title, nor for Incroachment on the Right of others; what Portion a Man carved to himself, was easily seen; and it was useless as well as dishonest to carve himself too much, or take more than he needed.

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§ 50 4–16 Passage extensively corrected in the Christ's copy, in such a way as to make parts of text in lines 5–9 unintelligible except by comparison with text in 1st Collected edition, 1714, and 4th edition, 1713. The original printed version reads very oddly, containing such phrases as 'the consent of Men have agreed', which has been the subject of some learned commentary—for example, Kendall, 1941, 84. Macpherson, 1962, has some trenchant things to say on this passage as an implied, or overt, justification of capitalist accumulation, see 209–10.

§ 51 Von Leyden compares this paragraph and §§ 31 and 36 with the statements about property in Locke's eighth *Essay on the Law of Nature* (1954, 204–15).

1–2 This curiously repetitive phrase may also be a result of confusion in Locke's manuscript, here uncorrected.

12 With the end of this paragraph and chapter also ends the section of the 1st edition which could have been involved in the printing difficulties of 1689; compare note on 1, § 167, 10, and Laslett 1952 (iv), 1954 (ii).

CHAP. VI.

Of Paternal Power.

52. IT may perhaps be censured as an impertinent Criticism in a discourse of this nature, to find fault with words and names that have obtained in the World: And yet possibly it may not be amiss to offer new ones when the old are apt to lead Men into mistakes, as this of *Paternal Power* probably has done, which seems so to place the Power of Parents over their Children wholly in the *Father*, as if the *Mother* had no share in it, whereas if we consult Reason or Revelation, we shall find she hath an equal Title. This may give one reason to ask, Whether this might not be more properly called *Parental Power*. For whatever obligation Nature and the right of Generation lays on Children, it must certainly bind them equal to both the concurrent Causes of it. And accordingly we see the positive Law of God every where joyns them together, without distinction, when it commands the Obedience of Children, *Honour thy Father and thy Mother*, Exod. 20. 12. *Whosoever curseth his Father or his Mother*, Lev. 20. 9. *Ye shall fear every Man his Mother and his Father*, Lev. 19. 3. *Children obey your Parents*, &c. Eph. 6. 1. is the stile of the Old and New Testament.

53. Had but this one thing been well consider'd without looking any deeper into the matter, it might perhaps have kept

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§ 52 *Chapter* VI. This chapter is obviously directed against Filmer, who is mentioned by name in § 61, and so seems clearly to belong to the original writing of 1679. Its argument is presented at greater length in the *First Treatise*: there are repetitions of phrases and of biblical citations. It is remarkable how evasive Locke is about the 5th Commandment throughout this chapter. There can be no doubt that this commandment provided the secure biblical basis for traditional patriarchalism, and for social subjection generally. See Laslett, 1965, chap. 8; Schochet, 1969; Dunn, 1969 (i), especially pp. 74–6.

1–3 Compare I, §23, 22–5, note and references: Strauss, 1953, 221, sees in this a hint by Locke at the status of this 'discourse'; see Introduction, 86, note †.

8–19 The argument that the mother's authority is equal with that of the father is developed extensively in the *First Treatise*, and a cross-reference is given in I, § 6, 51, again in I, § 11, 31—see, in general, chapter VI of that treatise (§§ 50–73). The appeal to reason is made in I, § 55, and to revelation in I, § 61, where these four texts are cited.

10 '*Parental*'—see II, § 69, 1 and note.

11 'right of Generation'—particularly attacked in I, § 52: in I, § 18, 18 and I, § 50, 20, Grotius is attacked by implication, since Filmer uses him, but there is no reason to suppose that Locke had anyone but Filmer in mind. Hobbes's similar argument in *Leviathan*, chapter 20, looks coincidental: it was attacked by Filmer, 245.

Men from running into those gross mistakes, they have made, about this Power of Parents: which however it might, without any great harshness, bear the name of Absolute Dominion, and Regal Authority, when under the Title of *Paternal Power* it seem'd appropriated to the Father, would yet have sounded but odly, and in the very name shewn the Absurdity, if this supposed Absolute Power over Children had been called *Parental*, and thereby have discover'd, that it belong'd to the *Mother* too; for it will but very ill serve the turn of those Men who contend so much for the Absolute Power and Authority of the *Fatherhood*, as they call it, that the *Mother* should have any share in it. And it would have but ill supported the *Monarchy* they contend for, when by the very name it appeared that that Fundamental Authority from whence they would derive their Government of a single Person only, was not plac'd in one, but two Persons joyntly. But to let this of Names pass.

54. Though I have said above, Chap. II, *That all Men by Nature are equal*, I cannot be supposed to understand all sorts of *Equality*: *Age* or *Virtue* may give Men a just Precedency: *Excellency of Parts and Merit* may place others above the Common Level: *Birth* may subject some, and *Alliance* or *Benefits* others, to pay an Observance to those to whom Nature, Gratitude or other Respects may have made it due; and yet all this consists with the *Equality*, which all Men are in, in respect of Jurisdiction or Dominion one over another, which was the *Equality* I there spoke of, as proper to the Business in hand, being that *equal Right* that every Man hath, *to his Natural Freedom*, without being subjected to the Will or Authority of any other Man.

55. *Children*, I confess are not born in this full state of *Equality*, though they are born to it. Their Parents have a sort of Rule and Jurisdiction over them when they come into the World, and for some time after, but 'tis but a temporary one. The Bonds of this Subjection are like the Swadling Cloths they are wrapt up in, and supported by, in the weakness of their Infancy. Age and Reason as they grow up, loosen them till at length they drop quite off, and leave a Man at his own free Disposal.

§ 54 1 'Chap. II'—a late correction from '(2)'. Originally, perhaps, a paragraph rather than a chapter reference, to what is now II, § 4; see note there. On the statements about equality, compare II, § 4, 6–16.

56. *Adam* was created a perfect Man, his Body and Mind in full possession of their Strength and Reason, and so was capable from the first Instant of his being to provide for his own Support and Preservation, and govern his Actions according to the Dictates of the Law of Reason which God had implanted in him. From him the World is peopled with his Descendants, who are all born Infants, weak and helpless, without Knowledge or Understanding. But to supply the Defects of this imperfect State, till the Improvement of Growth and Age hath removed them, *Adam* and *Eve*, and after them all *Parents* were, by the Law of Nature, *under an obligation to preserve, nourish, and educate the Children*, they had begotten, not as their own Workmanship, but the Workmanship of their own Maker, the Almighty, to whom they were to be accountable for them.

57. The Law that was to govern *Adam*, was the same that was to govern all his Posterity, the *Law of Reason*. But his Off-spring having another way of entrance into the World, different from him, by a natural Birth, that produced them ignorant and without the use of *Reason*, they were not presently *under that Law*: for no Body can be under a Law, which is not promulgated to him; and this Law being promulgated or made known by *Reason* only, he that is not come to the Use of his *Reason*, cannot be said to be *under this Law*; and *Adam*'s Children being not presently as soon as born, *under this Law of Reason* were not presently *free*. For *Law*, in its true Notion, is not so much the Limitation as *the direction of a free and intelligent Agent* to his proper Interest, and prescribes no farther than is for the general Good of those under that Law. Could they be happier without it, the *Law*, as an useless thing would of it self vanish; and that ill deserves the Name of Confinement which hedges us in only from Bogs and Precipices. So that,

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§ 56 4–5 Compare I, § 86, 19–20 and note.

12–13 Compare II, § 6, 10–14, note and references.

§ 57 This famous paragraph was apparently directed against Filmer, rather than Hobbes, in spite of the verbal resemblance noted under line 16. This is shown by the other details recorded here. Locke made niggling corrections to it, but none alters the sense.

1–10 The references to Adam and his posterity criticize Filmer, who had made all Adam's children subject to his will, and all children subject to the will of their fathers, reason or no reason. Compare II, § 60, and the seventh *Essay on the Law of Nature* (Von Leyden, 1954, 202–3).

16 Compare *Leviathan*, chapter 30: 'For the use of Lawes is . . . to direct and keep [the People] in such a motion, as not to hurt themselves . . . as Hedges are set, not to

however it may be mistaken, *the end of Law* is not to abolish or restrain, but *to preserve and enlarge Freedom*: For in all the states of created beings capable of Laws, *where there is no Law, there is no Freedom*. For *Liberty* is to be free from restraint and violence from others which cannot be, where there is no Law: But Freedom is not, as we are told, *A Liberty for every Man to do what he lists:* (For who could be free, when every other Man's Humour might domineer over him?) But a *Liberty* to dispose, and order, as he lists, his Person, Actions, Possessions, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.

58. The *Power*, then, *that Parents have* over their Children, arises from that Duty which is incumbent on them, to take care of their Off-spring, during the imperfect state of Childhood. To inform the Mind, and govern the Actions of their yet ignorant Nonage, till Reason shall take its place, and ease them of that Trouble, is what the Children want, and the Parents are bound to. For God having given Man an Understanding to direct his Actions, has allowed him a freedom of Will, and liberty of Acting, as properly belonging thereunto, within the bounds of that Law he is under. But whilst he is in an Estate, wherein he has not *Understanding* of his own to direct his *Will*, he is not to have any Will of his own to follow: He that *understands* for him, must *will* for him too;

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stop Travellers, but to keep them in the way.' Presumably a verbal coincidence or an unconscious re-echo, though see Gough, 1950, 32.

16–28 Elrington, 1798, uses the statement about law and freedom to claim that men are free if governed by just laws, even if they were not consulted in their framing, and quotes Plato against the 'unsettled fancies of modern theorists'.

22 'as we are told'—that is, by Filmer, who makes the statement quoted, which is also quoted in II, § 22, 8–10; see note there and references.

§ 58 Tyrrell's account of the origin and nature of parental power is very similar to Locke's; see 1681, 15 and on. Both writers stress the parental duty of education, though Tyrrell is much more specific than Locke. In his diary for 1679 Locke made a note on the point from Sagard's *Canada* (1636), under the title '*Pietas*': education, not generation, gave the obligation, he wrote, and compared the Hurons with the Janissaries, initialling the note as his (compare II, § 106, 16–18 and note). The classical discussion is in Grotius (*De Jure Belli*, II, v), rejected by Filmer but characteristically close to the surface in Tyrrell: Pufendorf's commentary on the position of Grotius may well have been in Locke's mind—see especially *De Jure Naturae* (1672), VI, ii, De Potestate Patria.

10–11 Elrington (1798) uses this phrase about the understanding and will to justify the political inferiority of adults who lack intellectual attainments.

he must prescribe to his Will, and regulate his Actions; but when he comes to the Estate that made his *Father a Freeman*, the *Son is a Freeman* too.

59. This holds in all the Laws a Man is under, whether Natural or Civil. Is a Man under the Law of Nature? *What made him free* of that Law? What gave him a free disposing of his Property according to his own Will, within the compass of that Law? I answer; State of Maturity wherein he might be suppos'd capable to know that Law, that so he might keep his Actions within the Bounds of it. When he has acquired that State, he is presumed to know how far that Law is to be his Guide, and how far he may make use of his *Freedom*, and so comes to have it; till then, some Body else must guide him, who is presumed to know how far the Law allows a Liberty. If such a State of Reason, such an Age of Discretion *made him free*, the same shall make his Son free too. Is a Man under the Law of *England*? *What made him free* of that Law? That is, to have the Liberty to dispose of his Actions and Possessions according to his own Will, within the Permission of that Law? A capacity of knowing that Law. Which is supposed by that Law, at the Age of one and twenty years, and in some cases sooner. If this *made* the Father *free*, it shall *make* the Son *free* too. Till then we see the Law allows the Son to have no Will, but he is to be guided by the Will of his Father or Guardian, who is to understand for him. And if the Father die, and fail to substitute a Deputy in this Trust, if he hath not provided a Tutor to govern his Son during his Minority, during his want of Understanding, the Law takes care to do it; some other must govern him, and be a Will to him, till he hath *attained to a State of Freedom*, and his Understanding be fit to take the Government of his Will. But after that, the Father and Son are equally *free* as much as Tutor and Pupil after Nonage; equally Subjects of the same Law together, without any Dominion left in the Father over the Life, Liberty, or Estate of his Son, whether they be only in the State and under the Law of Nature, or under the positive Laws of an Establish'd Government.

60. But if through defects that may happen out of the ordinary course of Nature, any one comes not to such a degree of Reason, wherein he might be supposed capable of knowing the Law, and so living within the Rules of it, he is *never capable of being a Free*

Man, he is never let loose to the disposure of his own Will (because he knows no bounds to it, has not Understanding, its proper Guide) but is continued under the Tuition and Government of others, all the time his own Understanding is uncapable of that Charge. And so *Lunaticks* and *Ideots* are never set free from the Government of their Parents; *Children, who are not as yet come unto those years whereat they may have; and Innocents which are excluded by a natural defect from ever having*; Thirdly, *Madmen, which for the present cannot possibly have the use of right Reason to guide themselves, have for their Guide, the Reason that guideth other Men which are Tutors over them, to seek and procure their good for them, says* Hooker, Eccl. Pol. Lib. 1. Sect. 7. All which seems no more than that Duty, which God and Nature has laid on Man as well as other Creatures, to preserve their Off-spring, till they can be able to shift for themselves, and will scarce amount to an instance or proof of *Parents* Regal Authority.

61. Thus we are *born Free*, as we are born Rational; not that we have actually the Exercise of either: Age that brings one, brings with it the other too. And thus we see how *natural Freedom and Subjection to Parents* may consist together, and are both founded on the same Principle. A *Child* is *Free* by his Father's Title, by his Father's Understanding, which is to govern him, till he hath it of his own. The *Freedom of a Man at years of discretion*, and the *Subjection* of a Child *to* his *Parents*, whilst yet short of that Age, are so consistent, and so distinguishable, that the most blinded Contenders for Monarchy, *by Right of Fatherhood*, cannot miss this *difference*, the most obstinate cannot but allow their consistency. For were their Doctrine all true, were the right Heir of *Adam* now known, and by that Title settled a Monarch in his Throne, invested with all the Absolute, Unlimited Power Sir R.F. talks of; if he should die as soon as his Heir was born, must not the *Child*, notwithstanding he were never so free, never so much Sovereign, be in subjection to his Mother and Nurse, to Tutors and Governors,

§ 60 10–16 Keble's *Hooker*, 1836, 1, 276–7: 1676, 78, some lines after a passage copied into Locke's diary on 26 June 1681. Probably added after composition of the paragraph; see note on II, § 5, 7–23.

16–20 Compare I, § 56, 18–27.

§ 61 14 'Sir R.F.'—Sir Robert Filmer, an overt indication that Locke is here writing specifically against him; see note on II, § 52 (chapter VI) and II, § 22, 8–9 and note. This passage reads very like much of the *First Treatise*.

till Age and Education brought him Reason and Ability to govern himself, and others? The Necessities of his Life, the Health of his Body, and the Information of his Mind would require him to be directed by the Will of others and not his own: and yet will any one think, that this Restraint and Subjection were inconsistent with, or spoiled him of that Liberty or Sovereignty he had a Right to, or gave away his Empire to those who had the Government of his Nonage? This Government over him only prepared him the better and sooner for it. If any body should ask me, When my Son is *of Age to be free*? I shall answer, Just when his Monarch is of Age to govern. *But at what time*, says the judicious *Hooker*, Eccl. Pol. Lib. 1. Sect. 6. *a Man may be said to have attain'd so far forth the use of Reason, as sufficeth to make him capable of those Laws whereby he is then bound to guide his Actions; this is a great deal more easie for sense to discern, than for any one by Skill and Learning to determine.*

62. Common-wealths themselves take notice of, and allow that there is *a time when Men* are to *begin to act like Free Men*, and therefore till that time require not Oaths of Fealty, or Allegiance, or other publick owning of, or Submission to the Government of their Countreys.

63. The *Freedom* then of Man and Liberty of acting according to his own Will, is *grounded on* his having *Reason*, which is able to instruct him in that Law he is to govern himself by, and make him know how far he is left to the freedom of his own will. To turn him loose to an unrestrain'd Liberty, before he has Reason to guide him, is not the allowing him the priviledge of his Nature, to be free; but to thrust him out amongst Brutes, and abandon him to a state as wretched, and as much beneath that of a Man, as theirs. This is that which puts the *Authority* into the *Parents* hands to govern the *Minority* of their Children. God hath made it their business to imploy this Care on their Off-spring, and hath placed in them suitable Inclinations of Tenderness and Concern to temper this power, to apply it as his Wisdom designed it, to the Childrens good, as long as they should need to be under it.

28–33 Keble's *Hooker*, 1836, 1, 273. Hooker's original has 'common sense', and 'for any man . . . to determine'. See 1676, 77 a few lines after a passage quoted in the *Essay concerning Humane Understanding* (1894, 1, 402–3). Evidently inserted after the composition of the paragraph; see note on II, § 5, 7–23 (and on II, § 5, 1 for 'judicious').

64. But what reason can hence advance this Care of the *Parents* due to their Off-spring into an *Absolute Arbitrary Dominion* of the Father, whose power reaches no farther, than by such a Discipline as he finds most effectual to give such strength and health to their Bodies, such vigour and rectitude to their Minds, as may best fit his Children to be most useful to themselves and others; and, if it be necessary to his Condition, to make them work when they are able for their own Subsistence. But in this power the *Mother* too has her share with the *Father*.

65. Nay, this *power* so little belongs to the *Father* by any peculiar right of Nature, but only as he is Guardian of his Children, that when he quits his Care of them, he loses his power over them, which goes along with their Nourishment and Education, to which it is inseparably annexed, and it belongs as much to the *Foster-Father* of an exposed Child, as to the Natural Father of another: So little power does the bare *act of begetting* give a Man over his Issue, if all his Care ends there, and this be all the Title he hath to the Name and Authority of a Father. And what will become of this *Paternal Power* in that part of the World where one Woman hath more than one Husband at a time? Or in those parts of *America* where when the Husband and Wife part, which happens frequently, the Children are all left to the Mother, follow her, and are wholly under her Care and Provision? If the Father die whilst the Children are young, do they not naturally every where owe the same Obedience to their *Mother*, during their Minority, as to their Father were he alive? And will any one say, that the *Mother* hath a Legislative Power over her Children? that she can make standing Rules, which shall be of perpetual Obligation, by which they ought to regulate all the Concerns of

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§ 64 4–9 These sentiments recall Locke on *Education* (already formulated though not written when this was composed, see Introduction, 28), and even his insistence in his paper for the Board of Trade that the children of the poor must work (Introduction, 43): compare Tyrrell, 1681, 19.

§ 65 5–7 Compare I, § 100, 7–10 and Tyrrell, 1681, 16: in lines 23–4 of I, § 100 Locke makes a cross-reference to the *Second Treatise*, evidently with such passages in this chapter in mind.

17–24 Locke's references here imply denials of the marks of political sovereignty which Filmer found in fatherly power; see I, § 129, 10–15 and note, II, § 3 and note. On the right of children to their property, compare Grotius, 1625, II, v, 2 and Pufendorf, 1672, VI, ii, 8: Locke's whole argument here and in II, § 69 (q.v.) is close to Pufendorf's.

their Property, and bound their Liberty all the course of their Lives? Or can she inforce the observation of them with Capital Punishments? For this is the proper *power of the Magistrate*, of which the Father hath not so much as the shadow. His Command over his Children is but temporary, and reaches not their Life or Property. It is but a help to the weakness and imperfection of their Nonage, a Discipline necessary to their Education: And though a *Father* may dispose of his own Possessions as he pleases, when his Children are out of danger of perishing for want, yet *his power* extends not to the Lives or Goods, which either their own industry, or anothers bounty has made theirs; nor to their Liberty neither, when they are once arrived to the infranchisement of the years of discretion. The *Father's Empire* then ceases, and he can from thence forwards no more dispose of the liberty of his Son, than that of any other Man: And it must be far from an absolute or perpetual Jurisdiction, from which a Man may withdraw himself, having Licence from Divine Authority to *leave Father and Mother and cleave to his Wife*.

66. But though there be a time when a *Child* comes to be as *free* from subjection to the Will and Command of his Father, as the father himself is free from subjection to the Will of any body else, and they are each under no other restraint but that which is common to them both, whether it be the Law of Nature, or municipal Law of their Country: yet this freedom exempts not a Son from that *honour* which he ought, by the Law of God and Nature, *to pay* his *Parents*. God having made the Parents Instruments in his great design of continuing the Race of Mankind, and the occasions of Life to their Children, as he hath laid on them an obligation to nourish, preserve, and bring up their Off-spring; So he has laid on the Children a perpetual Obligation of *honouring their Parents*, which containing in it an inward esteem and reverence to be shewn by all outward Expressions, ties up the Child from any thing that may ever injure or affront, disturb, or endanger the Happiness or Life of those, from whom he received his; and engages him in all actions of defence, relief, assistance and comfort

23–24 Compare 1, § 129, 10–15, and note.

37–8 Gen. ii. 24, quoted in Matt. xix. 5, etc., and used by Tyrrell, 1681, 31.

§ 66 6–8 Compare 1, § 63, 1–2; 1, § 66, 19–20 and Tyrrell, 1681, 19, etc., following Grotius and Pufendorf.

8–9 Compare 1, § 54, 5–7, verbal parallel.

of those, by whose means he entred into being, and has been made capable of any enjoyments of life. From this Obligation no State, no Freedom, can absolve Children. But this is very far from giving Parents a power of command over their Children, or an Authority to make Laws and dispose as they please, of their Lives or Liberties. 'Tis one thing to owe honour, respect, gratitude and assistance; another to require an absolute obedience and submission. The *honour due to Parents*, a Monarch in his Throne owes his Mother, and yet this lessens not his Authority, nor subjects him to her Government.

67. The subjection of a Minor places in the Father a temporary Government, which terminates with the minority of the Child: and the *honour due from a Child*, places in the Parents a perpetual right to respect, reverence, support and compliance too, more or less, as the Father's care, cost and kindness in his Education, has been more or less. This ends not with minority, but holds in all parts and conditions of a Man's Life. The want of distinguishing these two powers; viz. that which the Father hath in the right of *Tuition*, during Minority, and the right of *Honour* all his Life, may perhaps have caused a great part of the mistakes about this matter. For to speak properly of them, the first of these is rather the Priviledge of Children, and Duty of Parents, than any Prerogative of Paternal Power. The Nourishment and Education of their Children, is a Charge so incumbent on Parents for their Childrens good, that nothing can absolve them from taking care of it. And though the *power of commanding and chastising* them go along with it, yet God hath woven into the Principles of Humane Nature such a tenderness for their Off-spring, that there is little fear that Parents should use their power with too much rigour; the excess is seldom on the severe side, the strong byass of Nature drawing the other way. And therefore God Almighty when he would express his gentle dealing with the *Israelites*, he tells them, that tho' he chasten'd them, *he chasten'd them as a Man chastens his Son*, Deut. 8. 5. *i.e.* with tenderness and affection, and kept them under no severer Discipline than what was absolutely best for them, and had been less kindness to have slacken'd. This is that power to which *Children* are commanded *Obedience*, that the pains and care of their Parents may not be increased, or ill rewarded.

§ 67 16–21 Compare 1, § 56, 18–27.

68. On the other side, *honour* and support, all that which Gratitude requires to return for the Benefits received by and from them is the indispensible Duty of the Child, and the proper Priviledge of the Parents. This is intended for the Parents advantage, as the other is for the Childs; though Education, the Parents Duty, seems to have most power, because the ignorance and infirmities of Childhood stand in need of restraint and correction; which is a visible exercise of Rule, and a kind of Dominion. And that Duty which is comprehended in the word *honour*, requires less Obedience, though the Obligation be stronger on grown than younger Children. For who can think the Command, *Children obey your Parents*, requires in a Man that has Children of his own the same submission to his Father, as it does in his yet young Children to him; and that by this Precept he were bound to obey all his Father's Commands, if out of a conceit of Authority he should have the indiscretion to treat him still as a Boy?

69. The first part then of *Paternal* Power, or rather Duty, which is *Education*, belongs so to the Father that it terminates at a certain season; when the business of Education is over it ceases of it self, and is also alienable before. For a Man may put the Tuition of his Son in other hands; and he that has made his Son an *Apprentice* to another, has discharged him, during that time, of a great part of his Obedience both to himself and to his Mother. But all the *Duty of Honour*, the other part, remains never the less entire to them; nothing can cancel that. It is so inseparable from them both, that the Father's Authority cannot dispossess the Mother of this right, nor can any Man discharge his Son from *honouring* her that bore him. But both these are very far from a power to make Laws, and inforcing them with Penalties that may reach Estate, Liberty, Limbs and Life. The power of Commanding ends with Nonage; and though after that, *honour* and respect, support and defence, and whatsoever Gratitude can oblige a Man to for the highest benefits he is naturally capable of, be

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§ 69 1 '*Paternal* Power'—Locke seems already to have forgotten his determination in II, § 52, 10 to call it '*Parental*'; compare II, § 170, 1.

6 '*Apprentice*'—this association of the filial relationship with apprenticeship is very significant for the social structure of seventeenth-century England; compare II, § 85, 8–16, and Laslett, 1965.

9–12 Compare I, § 62, 13–19.

14–24 Compare II, § 65, 17–24, and references, especially Pufendorf.

always due from a Son to his Parents; yet all this puts no Scepter into the Father's hand, no Sovereign Power of Commanding. He has no Dominion over his Sons Property or Actions, nor any right, that his Will should prescribe to his Sons in all things; however it may become his Son in many things, not very inconvenient to him and his Family, to pay a Deference to it.

70. A Man may owe *honour* and respect to an ancient, or wise Man; defence to his Child or Friend; relief and support to the Distressed; and gratitude to a Benefactor, to such a degree, that all he has, all he can do, cannot sufficiently pay it: But all these give no Authority, no right to any one of making Laws over him from whom they are owing. And 'tis plain, all this is due not to the bare Title of Father; not only because, as has been said, it is owing to the Mother too; but because these Obligations to Parents, and the degrees of what is required of Children, may be varied, by the different care and kindness, trouble and expence, which is often imployed upon one Child, more than another.

71. This shews the reason how it comes to pass, that *Parents in Societies*, where they themselves are Subjects, retain a *power over their Children*, and have as much right to their Subjection, as those who are in the State of Nature, which could not possibly be, if all Political Power were only Paternal, and that in truth they were one and the same thing: For then, all Paternal Power being in the Prince, the Subject could naturally have none of it. But these two *Powers*, *Political* and *Paternal*, *are so perfectly distinct* and separate; are built upon so different Foundations, and given to so different Ends, that every Subject that is a Father, has as much a *Paternal Power* over his Children, as the Prince has over his; And every Prince that has Parents owes them as much filial Duty and Obedience as the meanest of his Subjects do to theirs; and can therefore contain not any part or degree of that kind of Dominion, which a Prince, or Magistrate has over his Subject.

72. Though the Obligation on the Parents to *bring up* their Children, and the Obligation on Children to *honour* their Parents, contain all the Power on the one hand, and Submission on the other, which are proper to this Relation; yet there is *another Power* ordinarily *in the Father*, whereby he has a tie on the Obedience of

§ 71 1–7 Compare 1, § 65, 3–12.

his Children: which though it be common to him with other Men, yet the occasions of shewing it, almoſt conſtantly happening to Fathers in their private Families, and the Inſtances of it elsewhere being rare, and less taken notice of, it passes in the World for a part of *Paternal Juriſdiction.* And this is the Power Men generally have to *beſtow their Eſtates* on those, who please them beſt. The Poſſeſſion of the Father being the Expectation and Inheritance of the Children ordinarily in certain proportions, according to the Law and Cuſtom of each Country; yet it is commonly in the Father's Power to beſtow it with a more sparing or liberal hand, according as the Behaviour of this or that Child hath comported with his Will and Humour.

73. This is no small Tye on the Obedience of Children: And there being always annexed to the Enjoyment of Land, a Submission to the Government of the Country, of which that Land is a part; It has been commonly suppos'd, That a *Father* could *oblige his Poſterity to that Government*, of which he himself was a Subject, and that his Compact held them; whereas, it being only a necessary Condition annex'd to the Land, and the inheritance of an Eſtate which is under that Government, reaches only those who will take it on that Condition, and so is no natural Tye or Engagement, but a voluntary Submission. For *every Man's Children* being by Nature as *free* as himself, or any of his Anceſtors ever were, may, whilſt they are in that Freedom, choose what Society they will join themselves to, what Common-wealth they will put themselves under. But if they will enjoy the *Inheritance* of their Anceſtors, they muſt take it on the same terms their Anceſtors had it, and submit to all the Conditions annex'd to such a Poſſeſſion. By this Power indeed Fathers oblige their Children to Obedience to themselves, even when they are paſt Minority, and moſt commonly too subject them to this or that Political Power. But neither of these by any peculiar right of *Fatherhood*, but by the Reward they have in their hands to inforce

§ 73 This paragraph represents perhaps the weakest point of Locke's argument against Filmer. Elrington, 1798, seizes on Locke's denial of a 'natural Tye' (lines 9–10) to maintain that 'it cannot be concluded that no degree of obligation whatsoever is imposed on a man by the acts of his ancestors', and this is the burden of Burke's criticism of Lockeian politics, especially as they were interpreted in Revolutionary France.

and recompence such a Compliance; and is no more Power than what a *French-man* has over an *English-man*, who by the hopes of an Estate he will leave him, will certainly have a strong Tye on his Obedience: And if when it is left him, he will enjoy it, he must certainly take it upon the Conditions annex'd to the *Possession of Land* in that Country where it lies, whether it be *France* or *England.*

74. To conclude then, though the *Father's Power* of commanding extends no farther than the Minority of his Children, and to a degree only fit for the Discipline and Government of that Age: And though that *Honour* and Respect, and all that which the *Latins* called *Piety*, which they indispensibly owe to their Parents all their Life times, and in all Estates, with all that Support and Defence [which] is due to them, gives the Father no Power of Governing, *i.e.* making Laws and enacting Penalties on his Children; Though by all this he has no Dominion over the Property or Actions of his Son: yet 'tis obvious to conceive how easie it was in the first Ages of the World, and in places still, where the thinness of People gives Families leave to separate into unpossessed Quarters, and they have room to remove and plant themselves in yet vacant Habitations, for the *Father of the Family* to become the Prince of it;† he had been a Ruler from the beginning of the Infancy of his Children: and since without some

† *It is no improbable Opinion, therefore, which the* Arch-Philosopher *was of, That the chief Person in every Houshold was always, as it were, a King: So when Numbers of Households joyn'd themselves in Civil Societies together, Kings were the first kind of Governours amongst them, which is also, as it seemeth, the reason why the name of Fathers continued still in them, who, of Fathers, were made Rulers; as also the ancient Custom of Governours to do as* Melchizedec, *and being Kings, to exercise the Office of Priests, which Fathers did, at the first, grew perhaps by the same Occasion. Howbeit, this is not the only kind of Regiment that hath been received in the World. The Inconveniences of one kind have caused sundry other to be devised; so that in a word, all publick Regiment of what kind soever, seemeth evidently to have risen from the deliberate Advice, Consultation and Composition between Men, judging it convenient, and behoveful; there being no impossibility in Nature, considered by it self, but that Man might have lived without any publick Regiment.* Hooker's Eccl. P. l. 1. Sect. 10.

§ 74 7 'which'—inserted by editor to make sense.

14–37 This passage, and the two succeeding paragraphs (compare 11, §§ 105–12, § 162), make considerable concessions to patriarchalism, and represent the direct influence on Locke of Filmer and traditional attitudes. But not only is Locke's argument very close to Tyrrell's (1681, 35–9), but also to that of Pufendorf, *De Jure Naturae* (1672), VII, iii, *De Generatione Summi Imperii Civilis*, see especially § 7 (904–5). Tyrrell cites 'Mr Pufendorf a late judicious writer of great judgment and learning' at this point (p. 37, words added in the copy Tyrrell corrected for Locke, see above p. 60, note ¶), and also Sir William Temple's *Essay of Government* (published in *Miscellanea*, 1680), for Temple was the great exponent of

Government it would be hard for them to live together, it was likeliest it should, by the express or tacit Consent of the Children, when they were grown up, be in the Father, where it seemed without any change barely to continue; when indeed nothing more was required to it, than the permitting the *Father* to exercise alone in his Family that executive Power of the Law of Nature, which every Free-man naturally hath, and by that permission resigning up to him a Monarchical Power, whilst they remained in it. But that this was not by any *Paternal Right*, but only by the Consent of his Children, is evident from hence, That no Body doubts but if a Stranger, whom Chance or Business had brought to his Family, had there kill'd any of his Children, or committed any other Fact, he might Condemn and put him to Death, or otherwise have punished him as well as any of his Children: which it was impossible he should do by virtue of any Paternal Authority over one, who was not his Child, but by virtue of that Executive Power of the Law of Nature, which, as a Man he had a right to: And he alone could punish him in his Family, where the respect of his Children had laid by the Exercise of such a Power, to give way to the Dignity and Authority, they were willing should remain in him, above the rest of his Family.

75. Thus 'twas easie, and almost natural for Children by a tacit, and scarce avoidable consent to make way for the *Father's Authority and Government*. They had been accustomed in their Childhood to follow his Direction, and to refer their little differences to him, and when they were Men, who fitter to rule them? Their little Properties, and less Covetousness seldom afforded greater Controversies; and when any should arise, where could they have

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patriarchalism tempered with consent and apart from Divine Right. Locke does not seem to have read or possessed Temple's book, and these sentiments seem to be the result of his consideration of Filmer, and perhaps his acquaintance with Pufendorf.

§ 74 15 The reference sign is inserted by the editor at this point to show where it seems most likely that Locke wished to draw the attention of his reader to the passage in Hooker, printed without reference sign in the margins of the 1st and later editions. All subsequent citations from Hooker appear in the margins in this way, which marks them even more obviously as later additions, made perhaps about June 1681 after the original text was complete (see note on II, § 5, 7–23 and references). The passage is found on pp. 303–4 of Keble's *Hooker*, 1836, vol. I and on p. 86 of Locke's 1676 Hooker. The 'Arch-Philosopher' is of course Aristotle; see the passages in *Politics*, I, especially 1252b, which Filmer had made use of.

22 'executive Power of the Law of Nature'—see II, § 9, 1, note and references.

a fitter Umpire than he, by whose Care they had every one been sustain'd, and brought up, and who had a tenderness for them all? 'Tis no wonder, that they made no distinction betwixt Minority, and full Age; nor looked after one and Twenty, or any other Age, that might make them the free Disposers of themselves and Fortunes, when they could have no desire to be out of their Pupilage. The Government they had been under, during it, continued still to be more their Protection than restraint: And they could no where find a greater security to their Peace, Liberties, and Fortunes, than in the *Rule of a Father.*

76. Thus the natural *Fathers of Families*, by an insensible change, became the *politick Monarchs* of them too: And as they chanced to live long, and leave able, and worthy Heirs, for several Successions, or otherwise; So they laid the Foundations of Hereditary, or Elective Kingdoms, under several Constitutions, and Manners, according as Chance, Contrivance, or Occasions happen'd to mould them. But if Princes have their Titles in the Fathers Right, and it be a sufficient proof of the natural *Right of Fathers* to Political Authority, because they commonly were those, in whose hands we find, *de facto*, the Exercise of Government: I say, if this Argument be good, it will as strongly prove that all Princes, nay Princes only, ought to be Priests, since 'tis as certain, that in the Beginning, *The Father of the Family was Priest, as that he was Ruler in his own Houshold.*

CHAP. VII.

Of Political or Civil Society.

77. GOD having made Man such a Creature, that, in his own Judgment, it was not good for him to be alone, put him under strong Obligations of Necessity, Convenience, and Inclination to drive him into *Society*, as well as fitted him with Under-

§ 77 *Chapter* VII All the evidence goes to show that this chapter formed a part of the original critique of Filmer; compare note on chapter VI, II, § 52. There are references to men who can only be Filmer and his followers (§ 90) and arguments

ſtanding and Language to continue and enjoy it. The *firſt Society* was between Man and Wife, which gave beginning to that between Parents and Children; to which, in time, that between Maſter and Servant came to be added: And though all these might, and commonly did meet together, and make up but one Family, wherein the Maſter or Miſtress of it had some sort of Rule proper to a Family; each of these, or all together came short of *Political Society*, as we shall see, if we consider the different Ends, Tyes, and Bounds of each of these.

78. *Conjugal Society* is made by a voluntary Compact between Man and Woman: and tho' it conſiſt chiefly in such a Communion and Right in one anothers Bodies, as is necessary to its chief End, Procreation; yet it draws with it mutual Support, and Aſſiſtance, and a Communion of Intereſt too, as necessary not only to unite their Care, and Affection, but also necessary to their common Off-spring, who have a Right to be nourished and maintained by them, till they are able to provide for themselves.

79. For the end of *conjunction between Male and Female*, being not barely Procreation, but the continuation of the Species, this conjunction betwixt Male and Female ought to laſt, even after Procreation, so long as is necessary to the nourishment and support of the young Ones, who are to be suſtained by those that got them, till they are able to shift and provide for themselves. This Rule, which the infinite wise Maker hath set to the Works of his hands, we find the inferiour Creatures ſteadily obey. In those viviparous Animals which feed on Grass, the *conjunction*

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directly pointed at Filmer's text (§§ 92, 93): it is closely parallel to Tyrrell's discussion which was overtly directed against Filmer. There is no positive indication of insertions or revision in 1689, though the cross-reference in § 84, 3, may imply some revision at an earlier date.

§ 77 1–4 Compare the fourth *Essay on the Law of Nature*. Man 'feels himself... urged to enter into society by a certain propensity of nature, and to be prepared for the maintenance of society by the gift of speech and through the intercourse of language' (Von Leyden, 1954, 156–7).

2 Gen. ii. 18: 'God said, it is not good that the man should be alone.'

5–13 Compare II, § 2, and also Aristotle's *Politics*, I, especially 1252a and b.

§ 78 Compare Tyrrell, 1681, 14: 'Marriage, which is a mutual Compact between a Man and a Woman for their Cohabitation, the generation of Children, and their joint care and provision for them.'

§ 79 Natural history of this sort was a persistent pre-occupation of Locke's, and he possessed many of the standard works. The pre-Linnaean, pre-Darwinian system of classification comes out clearly here, as it does in the *First Treatise*.

between Male and Female lasts no longer than the very Act of Copulation: because the Teat of the Dam being sufficient to nourish the Young, till it be able to feed on Grass, the Male only begets, but concerns not himself for the Female or Young, to whose Sustenance he can contribute nothing. But in Beasts of Prey the *conjunction* lasts longer: because the Dam not being able well to subsist her self, and nourish her numerous Off-spring by her own Prey alone, a more laborious, as well as more dangerous way of living, than by feeding on Grass, the Assistance of the Male is necessary to the Maintenance of their common Family, which cannot subsist till they are able to prey for themselves, but by the joynt Care of Male and Female. The same is to be observed in all Birds (except some domestick ones, where plenty of food excuses the Cock from feeding, and taking care of the young Brood) whose Young needing Food in the Nest, the Cock and Hen continue Mates, till the Young are able to use their wing, and provide for themselves.

80. And herein I think lies the chief, if not the only reason, *why the Male and Female in Mankind are tyed to a longer conjunction* than other Creatures, *viz.* because the Female is capable of conceiving, and *de facto* is commonly with Child again, and Brings forth too a new Birth long before the former is out of a dependancy for support on his Parents help, and able to shift for himself, and has all the assistance is due to him from his Parents: whereby the Father, who is bound to take care for those he hath begot, is under an Obligation to continue in Conjugal Society with the same Woman longer than other Creatures, whose Young being able to subsist of themselves, before the time of Procreation returns again, the Conjugal Bond dissolves of it self, and they are at liberty, till *Hymen*, at his usual Anniversary Season, summons them again to chuse new Mates. Wherein one cannot but admire the Wisdom of the great Creatour, who having given to Man foresight and an Ability to lay up for the future, as well as to supply the present necessity, hath made it necessary, that *Society of Man and Wife should be more lasting*, than of Male and Female amongst other Creatures; that so their Industry might be encouraged, and their Interest better united, to make Provision, and lay up Goods for their common Issue, which uncertain mixture, or easie and frequent Solutions of Conjugal Society would mightily disturb.

81. But though these are Ties upon *Mankind*, which make the *Conjugal Bonds* more firm and lasting in Man, than the other Species of Animals; yet it would give one reason to enquire, why this *Compact*, where Procreation and Education are secured, and Inheritance taken care for, may not be made determinable, either by consent, or at a certain time, or upon certain Conditions, as well as any other voluntary Compacts, there being no necessity in the nature of the thing, nor to the ends of it, that it should always be for Life; I mean, to such as are under no Restraint of any positive Law, which ordains all such Contracts to be perpetual.

82. But the Husband and Wife, though they have but one common Concern, yet having different understandings, will unavoidably sometimes have different wills too; it therefore being necessary, that the last Determination, *i.e.* the Rule, should be placed somewhere, it naturally falls to the Man's share, as the abler and the stronger. But this reaching but to the things of their common Interest and Property, leaves the Wife in the full and free possession of what by Contract is her peculiar Right, and gives the Husband no more power over her Life, than she has over his. The *Power of the Husband* being so far from that of an absolute Monarch, that the *Wife* has, in many cases, a Liberty to *separate* from him; where natural Right, or their Contract allows it, whether that Contract be made by themselves in the State of Nature, or by the Customs or Laws of the Countrey they live in; and the Children upon such Separation fall to the Father or Mother's Lot, as such Contract does determine.

83. For all the ends of *Marriage* being to be obtained under Politick Government, as well as in the State of Nature, the Civil Magistrate doth not abridge the Right, or Power of either naturally necessary to those ends, *viz.* Procreation and mutual Support

§ 81 5–7 This guarded hint at the justifiability of divorce was too much for the clerical Elrington, who says: 'To make the conjugal union determinable by consent, is to introduce a promiscuous concubinage.' Locke was prepared to go much further than this, as is seen in the notes in his diary for 1678, 1679, 1680 under the heading *Atlantis*. He suggests that 'He that is already married may marry another woman with his left hand.... The ties, duration and conditions of the left hand marriage shall be no other than what is expressed in the contract of marriage between the parties' (*Diary*, 1678, 199). On Locke's *Atlantis*, see de Marchi, 1955.

§ 82 5 Elrington says that this implies that the right of the husband arises solely from superior power, as indeed it does in Hobbes's *Leviathan*, chapter 20, which Locke's discussion resembles to some extent.

and Assistance whilst they are together; but only decides any Controversie that may arise between Man and Wife about them. If it were otherwise, and that absolute *Sovereignty* and Power of Life and Death naturally belong'd to the Husband, and were *necessary to the Society between Man and Wife*, there could be no Matrimony in any of those Countries where the Husband is allowed no such absolute Authority. But the ends of Matrimony requiring no such Power in the Husband, the Condition of *Conjugal Society* put it not in him, it being not at all necessary to that State. *Conjugal Society* could subsist and obtain its ends without it; nay, Community of Goods, and the Power over them, mutual Assistance, and Maintenance, and other things belonging to *Conjugal Society*, might be varied and regulated by that Contract, which unites Man and Wife in that Society, as far as may consist with Procreation and the bringing up of Children till they could shift for themselves; nothing being necessary to any Society, that is not necessary to the ends for which it is made.

84. The *Society betwixt Parents and Children*, and the distinct Rights and Powers belonging respectively to them, I have treated of so largely, in the foregoing Chapter, that I shall not here need to say any thing of it. And I think it is plain, that it is far different from a Politick Society.

85. *Master* and *Servant* are Names as old as History, but given to those of far different condition; for a Free-man makes himself a Servant to another, by selling him for a certain time, the Service he undertakes to do, in exchange for Wages he is to receive: And though this commonly puts him into the Family of his Master, and under the ordinary Discipline thereof; yet it gives the Master but a Temporary Power over him, and no greater, than what is contained in the *Contract* between 'em. But there is another sort of Servants, which by a peculiar Name we call *Slaves*, who being Captives taken in a just War, are by the Right of Nature subjected to the Absolute Dominion and Arbitrary Power

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§ 83 12–20 Passage rewritten for the 2nd edition: little difference of sense, except that 'Community of Goods' (line 15) is introduced.

§ 84 3 'foregoing Chapter'—chapter VI; see note on II, § 77 (chapter VII).

§ 85 8–16 On slavery compare II, § 24, 1–8 and references: here is added the claim that slaves are outside civil society. 'Servants' in this paragraph, we must not forget, covered many now classed as industrial or agricultural workers, and that Locke and all his contemporaries looked upon them as under domestic authority is significant of very different social assumptions; compare II, § 69, 6, '*Apprentice*'.

of their Masters. These Men having, as I say, forfeited their Lives, and with it their Liberties, and lost their Estates; and being in the *State of Slavery*, not capable of any Property, cannot in that state be considered as any part of *Civil Society*; the chief end whereof is the preservation of Property.

86. Let us therefore consider a *Master of a Family* with all these subordinate Relations of *Wife*, *Children*, *Servants* and *Slaves* united under the Domestick Rule of a Family; which what resemblance soever it may have in its Order, Offices, and Number too, with a little Common-wealth, yet is very far from it, both in its Constitution, Power and End: Or if it must be thought a Monarchy, and the *Paterfamilias* the absolute Monarch in it, absolute Monarchy will have but a very shattered and short Power, when 'tis plain, by what has been said before, That the *Master of the Family* has a very distinct and differently limited *Power*, both as to time and extent, over those several Persons that are in it; for excepting the Slave (and the Family is as much a Family, and his Power as *Paterfamilias* as great, whether there be any Slaves in his Family or no) he has no Legislative Power of Life and Death over any of them, and none too but what a *Mistress of a Family* may have as well as he. And he certainly can have no absolute Power over the whole *Family*, who has but a very limited one over every individual in it. But how a *Family*, or any other Society of Men, differ from that, which is properly *Political Society*, we shall best see, by considering wherein *Political Society* it self consists.

87. Man being born, as has been proved, with a Title to perfect Freedom, and an uncontrouled enjoyment of all the Rights and Priviledges of the Law of Nature, equally with any other Man, or Number of Men in the World, hath by Nature a Power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the Injuries and Attempts of other Men; but to judge of,

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§ 86 On this paragraph compare the *Third Letter for Toleration*, (*Works*, 1801, VI, 213). The domestic unit being described is readily recognizable as that which prevailed in Locke's day over the English-speaking world, see Laslett and Wall, 1972. It is not without interest that the presence of a slave was regarded as not an unusual feature of such familial groups.

87 5 'that is, his Life, Liberty and Estate'—compare this extended definition of property with I, § 9, 8–9; II §§ 57, 25; 59, 29–30; 85, 13; 123, 16–17; 131, 6; 135, 15; 137, 5; 171, 17; 173, 4–6; 209, 5–6; 221, 7; 222, 19–20; and see Introduction, 101. Contrast also, I, § 90, 13–18.

and punish the breaches of that Law in others, as he is perswaded the Offence deserves, even with Death it self, in Crimes where the heinousness of the Fact, in his Opinion, requires it. But because no *Political Society* can be, nor subsist without having in it self the Power to preserve the Property, and in order thereunto punish the Offences of all those of that Society; there, and there only is *Political Society*, where every one of the Members hath quitted this natural Power, resign'd it up into the hands of the Community in all cases that exclude him not from appealing for Protection to the Law established by it. And thus all private judgement of every particular Member being excluded, the Community comes to be Umpire, by settled standing Rules, indifferent, and the same to all Parties; and by Men having Authority from the Community, for the execution of those Rules, decides all the differences that may happen between any Members of that Society, concerning any matter of right; and punishes those Offences, which any Member hath committed against the Society, with such Penalties as the Law has established: Whereby it is easie to discern who are, and who are not, in *Political Society* together. Those who are united into one Body, and have a common establish'd Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, *are in Civil Society* one with another: but those who have no such common Appeal, I mean on Earth, are still in the state of Nature, each being, where there is no other, Judge for himself, and Executioner; which is, as I have before shew'd it, the perfect *state of Nature*.

88. And thus the Commonwealth comes by a Power to set down, what punishment shall belong to the several transgressions which they think worthy of it, committed amongst the Members of that Society, (which is the *power of making Laws*) as well as it has the power to punish any Injury done unto any of its Members, by any one that is not of it, (which is the *power of War and Peace*;) and all this for the preservation of the property of all the Members of that Society, as far as is possible. But though every Man who has enter'd into civil Society, and is become a member of any Commonwealth, has thereby quitted his power to punish Offences against the Law of Nature, in prosecution of his own private

18–21 Passage rewritten for 2nd edition.

§ 88 4 and 6 Marks of sovereignty again hinted at; see II, § 11, 6–8 and references.

Judgment; yet with the Judgment of Offences which he has given up to the Legislative in all Cases, where he can Appeal to the Magistrate, he has given a right to the Commonwealth to imploy his force, for the Execution of the Judgments of the Commonwealth, whenever he shall be called to it; which indeed are his own Judgments, they being made by himself, or his Representative. And herein we have the original of the *Legislative* and *Executive Power* of Civil Society, which is to judge by standing Laws how far Offences are to be punished, when committed within the Commonwealth; and also to determin, by occasional Judgments founded on the present Circumstances of the Fact, how far Injuries from without are to be vindicated, and in both these to imploy all the force of all the Members when there shall be need.

89. Where-ever therefore any number of Men are so united into one Society, as to quit every one his Executive Power of the Law of Nature, and to resign it to the publick, there and there only is a *Political, or Civil Society*. And this is done where-ever any number of Men, in the state of Nature, enter into Society to make one People, one Body Politick under one Supreme Government, or else when any one joyns himself to, and incorporates with any Government already made. For hereby he authorizes the Society, or which is all one, the Legislative thereof to make Laws for him as the publick good of the Society shall require; to the Execution whereof, his own assistance (as to his own Decrees) is due. And this *puts Men* out of a State of Nature *into* that of a *Commonwealth*, by setting up a Judge on Earth, with Authority to determine all the Controversies, and redress the Injuries, that may happen to any Member of the Commonwealth; which Judge is the Legislative, or Magistrates appointed by it. And where-ever there are any number of Men, however associated, that have no such decisive power to appeal to, there they are still *in the state of Nature*.

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12 Elrington (1798) castigates this as leaving it optional that men should resign up their power to political authority.

14–18 Used by Kendall to demonstrate Locke's 'collectivism', along with II, § 120; see note there, and on II, § 151, 19, 22 for 'representative'.

§ 89 1 'Men are so united'—in 1st ed. active mood, 'Men so unite'.

6 'People': first occurrence of this word, cf. Polin, 1960, 156.

13–19 Here Locke talks of the Legislative where the Judiciary might be expected; compare II, § 88, 12–13, and Introduction, 118. The whole paragraph should be contrasted with Hobbes's *Leviathan*, chapter 18.

90. Hence it is evident, that *Absolute Monarchy*, which by some Men is counted the only Government in the World, is indeed *inconsistent with Civil Society*, and so can be no Form of Civil Government at all. For the *end of Civil Society*, being to avoid, and remedy those inconveniencies of the State of Nature, which necessarily follow from every Man's being Judge in his own Case, by setting up a known Authority, to which every one of that Society may Appeal upon any Injury received, or Controversie that may arise, and which every one of the Society ought to obey;† where-ever any persons are, who have not such an Authority to Appeal to, for the decision of any difference between them, there those persons are still *in the state of Nature*. And so is every *Absolute Prince* in respect of those who are under his *Dominion*.

91. For he being suppos'd to have all, both Legislative and Executive Power in himself alone, there is no Judge to be found, no Appeal lies open to any one, who may fairly, and indifferently, and with Authority decide, and from whose decision relief and redress may be expected of any Injury or Inconveniency, that may be suffered from the Prince or by his Order: So that such a Man, however intitled, *Czar*, or *Grand Signior*, or how you please, is as much *in the state of Nature*, with all under his Dominion, as he is with the rest of Mankind. For where-ever any two Men are, who have no standing Rule, and common Judge to Appeal to on Earth for the determination of Controversies of Right betwixt them, there they are still *in the state of Nature*, and under all the inconveniencies of it,‡ with only this woful difference to the

† *The publick Power of all Society is above every Soul contained in the same Society; and the principal use of that power is to give Laws unto all that are under it, which Laws in such Cases we must obey, unless there be reason shew'd which may necessarily inforce, that the Law of Reason, or of God, doth injoyn the contrary*, Hook. Eccl. Pol. l. 1. Sect. 16.

‡ *To take away all such mutual Grievances, Injuries and Wrongs*, i.e. such as attend Men in the State of Nature. *There was no way but only by growing into Composition and*

§ 90 1–2 'some Men', that is Filmer and his followers, certainly not Hobbes to whom monarchy was decidedly not the only form of government. See II, § 77 (chapter VII).

10 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. Passage on p. 353 of Keble's *Hooker*, 1836, I, and Locke's 1676 edition 101–2, slightly modified in transcription here.

§ 91 13 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. See Keble's *Hooker*, 1836, I, 302, Locke's 1676 edition, 86, slightly modified. Compare English treatise 1660, and Abrams' note: Polin, 1961, 105.

Subject, or rather Slave of an Absolute Prince: That whereas, in the ordinary State of Nature, he has a liberty to judge of his Right, and according to the best of his Power, to maintain it; now whenever his Property is invaded by the Will and Order of his Monarch, he has not only no Appeal, as those in Society ought to have, but as if he were degraded from the common state of Rational Creatures, is denied a liberty to judge of, or to defend his Right, and so is exposed to all the Misery and Inconveniencies that a Man can fear from one, who being in the unrestrained state of Nature, is yet corrupted with Flattery, and armed with Power.

92. For he that thinks *absolute Power purifies Mens Bloods*, and corrects the baseness of Humane Nature, need read but the History of this, or any other Age to be convinced of the contrary. He that would have been insolent and injurious in the Woods of *America*, would not probably be much better in a Throne; where perhaps Learning and Religion shall be found out to justifie all, that he shall do to his Subjects, and the Sword presently silence all those that dare question it. For what the *Protection of Absolute Monarchy* is, what kind of Fathers of their Countries it makes Princes to be, and to what a degree of Happiness and Security it carries Civil Society, where this sort of Government is grown to perfection, he that will look into the late Relation of *Ceylon*, may easily see.

Agreement amongst themselves, by ordaining some kind of Government publick, and by yielding themselves subject thereunto, that unto whom they granted Authority to Rule and Govern, by them the Peace, Tranquility, and happy Estate of the rest might be procured. Men always knew that where Force and Injury was offered, they might be Defenders of themselves; they knew that however Men may seek their own Commodity; yet if this were done with Injury unto others, it was not to be suffered, but by all Men, and all good Means to be withstood. Finally, they knew that no Man might in reason take upon him to determine his own Right, and according to his own Determination proceed in maintenance thereof, in as much as every Man is towards himself, and them whom he greatly affects, partial; and therefore that Strifes and Troubles would be endless, except they gave their common Consent, all to be ordered by some, whom they should agree upon, without which Consent there would be no reason that one Man should take upon him to be Lord or Judge over another. Hooker's Eccl. Pol. l. 1. Sect. 10.

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§ 92 7 'presently'—immediately. This condemnation of absolute power is often supposed to be directed against Hobbes (for example, *Leviathan*, chapter 18, 1904, 128), but it is as appropriate against Filmer and the phrase 'Fathers of their Countries' in line 9 confirms that it was Filmer's absolute, patriarchal monarch which was in Locke's mind.

12 'the late Relation of *Ceylon*'—*An Historical Relation of the Island of Ceylon* by Robert Knox, 1680, bought by Locke on 29 August 1681; see Introduction, 55.

93. *In Absolute Monarchies* indeed, as well as other Governments of the World, the Subjects have an Appeal to the Law, and Judges to decide any Controversies, and restrain any Violence that may happen betwixt the Subjects themselves, one amongst another. This every one thinks necessary, and believes he deserves to be thought a declared Enemy to Society and Mankind, who should go about to take it away. But whether this be from a true Love of Mankind and Society, and such a Charity as we owe all one to another, there is reason to doubt. For this is no more, than what every Man who loves his own Power, Profit, or Greatness, may, and naturally must do, keep those Animals from hurting or destroying one another who labour and drudge only for his Pleasure and Advantage, and so are taken care of, not out of any Love the Master has for them, but Love of himself, and the Profit they bring him. For if it be asked, what Security, *what Fence* is there in such a State, *against the Violence and Oppression of this Absolute Ruler*? The very Question can scarce be born. They are ready to tell you, that it deserves Death only to ask after Safety. Betwixt Subject and Subject, they will grant, there must be Measures, Laws, and Judges, for their mutual Peace and Security: But as for the *Ruler*, he ought to be *Absolute*, and is above all such Circumstances: because he has Power to do more hurt and wrong, 'tis right when he does it. To ask how you may be guarded from harm, or injury on that side where the strongest hand is to do it, is presently the Voice of Faction and Rebellion. As if when Men quitting the State of Nature entered into Society, they agreed that all of them but one, should be under the restraint of Laws, but that he should still retain all the Liberty of the State of Nature, increased with Power, and made licentious by Impunity. This is to think that Men are so foolish that they take care to avoid what Mischiefs may be done them by *Pole-Cats*, or *Foxes*, but are content, nay think it Safety, to be devoured by *Lions*.

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§ 93 7–15 Compare I, § 156 note and references.

32 This whole paragraph, and particularly this last statement (compare II, 1, 20–21), are often quoted as Locke's judgment on Hobbes; see, for example, Gough, 1950, 36. This is perhaps because of Hobbes's insistence that the claim that the sovereign was not under the law led to the dissolution of civil society; see *Leviathan*, chapter 29. But it seems much more likely to refer to Filmer, who repeatedly maintains that 'A King according to law makes no kind of government', Laslett's edition, 304. Locke makes a generally similar statement in his first *Essay on the Law of Nature*, Von Leyden, 1954, 118–19.

94. But whatever Flatterers may talk to amuze Peoples Understandings, it hinders not Men, from feeling: and when they perceive, that any Man, in what Station soever, is out of the Bounds of the Civil Society which they are of; and that they have no Appeal on Earth against any harm they may receive from him, they are apt to think themselves in the state of Nature, in respect of him, whom they find to be so; and to take care as soon as they can, to have that *Safety and Security in Civil Society*, for which it was first instituted, and for which only they entered into it. And therefore, though perhaps at first, (as shall be shewed more at large hereafter in the following part of this Discourse) some one good and excellent Man, having got a Preheminency amongst the rest, had this Deference paid to his Goodness and Vertue, as to a kind of Natural Authority, that the chief Rule, with Arbitration of their differences, by a tacit Consent devolved into his hands, without any other caution, but the assurance they had of his Uprightness and Wisdom: yet when time, giving Authority, and (as some Men would perswade us) Sacredness to Customs, which the negligent, and unforeseeing Innocence of the first Ages began, had brought in Successors of another Stamp, the People finding their Properties not secure under the Government, as then it was, (whereas Government has no other end but the preservation of Property) could never be safe nor at rest, *nor think themselves in Civil Society*, till the Legislature was placed in collective Bodies of Men, call them Senate, Parliament, or what you

§ 94 1–9 This is the first mention of revolutionism; compare II, §§ 168, 210.

1 'amuze' = mislead.

11 Perhaps §§ 105–112 are meant (compare Seliger, 1968, 249), or even chapter XIV, 'Of Prerogative'.

22–3 This is Locke's strongest assertion of the preservation of property as the end of government, though it could be a later insertion: see the discussion in Introduction, especially p. 102 and references. Tyrrell, characteristically, puts his similar point in the context of previous discussion: 'I hope this great difficulty which hath puzled some Divines, which is *prior in nature*, Propriety or civil Government is now cleared, since it is apparent, Propriety, understood either as the application of natural things to the uses of particular Men, or else as the general agreement of many men in the division of a Territory, or Kingdom, must be before Government, one main end of which is to maintain the Dominion or Property before agreed on' (1681, 2nd pagination, 116).

24 'Legislature'—changed by Locke from 'Legislative'. It means the power of law-making, not the law-making body; compare II, § 153, 16; § 154, 4.

26 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15: Keble's *Hooker*, 1836, i, 304–5; Locke's 1676 edition, 86–7, coming a little after the passage given in the footnote to II, § 74. It is a remarkable fact that the same passage appears again in the footnote to II, § 111, 8.

please.† By which means every single person became subject, equally with other the meanest Men, to those Laws, which he himself, as part of the Legislative had established: nor could any one, by his own Authority, avoid the force of the Law, when once made, nor by any pretence of Superiority, plead exemption, thereby to License his own, or the Miscarriages of any of his Dependants. *No Man in Civil Society can be exempted from the Laws of it.*‡ For if any Man may do, what he thinks fit, and there be no Appeal on Earth, for Redress or Security against any harm he shall do; I ask, Whether he be not perfectly still in the State of Nature, and so can be *no part or Member of that Civil Society*: unless any one will say, the State of Nature and Civil Society are one and the same thing, which I have never yet found any one so great a Patron of Anarchy as to affirm.

CHAP. VIII.

Of the Beginning of Political Societies.

95. MEN being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own *Consent*. The only way whereby any one devests himself of his

† *At the first, when some certain kind of Regiment was once appointed, it may be that nothing was then farther thought upon for the manner of governing, but all permitted unto their Wisdom and Discretion, which were to Rule, till by experience they found this for all parts very inconvenient, so as the thing which they had devised for a Remedy, did indeed but increase the Sore, which it should have cured. They saw, that to live by one Man's Will, became the cause of all Mens misery. This constrained them to come unto Laws wherein all Men might see their Duty beforehand, and know the Penalties of transgressing them.* Hooker's Eccl. Pol. I. 1. Sect. 10.

‡ *Civil Law being the Act of the whole Body Politick, doth therefore over-rule each several part of the same Body.* Hooker ibid.

32 Reference sign inserted as above: Keble, 314; 1676, 90, one slight variant. Elrington, 1798, contrasts this passage and Locke's appeal to it with II, § 12, 13–19, and complains that it leads too directly to government by the will of the people. It certainly implies that the 'meanest man' (l. 27) has property and so a political personality.

§ 95 *Chapter* VIII. This chapter clearly formed part of the original critique of Filmer, whose positions are cited and whose language is paraphrased; see notes on

Natural Liberty, and *puts on the bonds of Civil Society* is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongſt another, in a secure Enjoyment of their Properties, and a greater Security againſt any that are not of it. This any number of Men may do, because it injures not the Freedom of the reſt; they are left as they were in the Liberty of the State of Nature. When any number of Men have so *consented to make one Community* or Government, they are thereby presently incorporated, and make *one Body Politick*, wherein the *Majority* have a Right to act and conclude the reſt.

96. For when any number of Men have, by the consent of every individual, made a *Community*, they have thereby made that *Community* one Body, with a Power to Act as one Body, which is only by the will and determination of the *majority*. For that which acts any Community, being only the consent of the indi-

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§ 95, 9; § 98, 12–14; § 101, 23–5; § 103, 10–19; § 112, 8–12; § 114, 5–8; etc.; compare note on II, § 77, chapter VII. But it seems possible that §§ 100–22 were not written in the original composition, but added a little later, after the composition of the *First Treatise*, perhaps in the summer of 1681 when he seems to have added the quotations from Hooker (see note on § 111, 8), or even after that. The evidence for this is the fact that § 132 seems to follow on to § 99, and that chapter IX (§§ 123–31) is a still later addition, perhaps of 1689; see note there. There is no evidence to show that any part of this chapter VIII was written in 1689, though it is possible, of course, that these discontinuities came about through a much more radical rearrangement of the text in that year.

§ 95 2 'this Estate'—the third printing, not altered by Locke in the Christ's master-copy, reads 'his Estate': corrected by editor with authority of later editions.

9 'any number of Men may do'—a contradiction of a very characteristic claim of Sir Robert Filmer's (see Laslett, 1949, 16) and it is against Filmer that Locke's arguments about majorities are formulated. Though it invites contrast with Hobbes's famous paragraph on 'The Generation of a Commonwealth' (*Leviathan*, chapter 17, 1904, 118–19), Filmer, not Hobbes, was in Locke's mind. Elrington (1798) objects to this that it is not a question of what men may do, but what they are 'under a direct obligation', moral obligation, to do, and to Locke's statement about majorities (line 15) that the numerical reasoning is fanciful; he makes power the foundation of right.

11–14 For an exhaustive discussion of this passage, which he calls the most concise of all statements of 'the faith of majority-rule democrats', see Kendall, 1941, chapter VII.

§ 96 The general relationship between Locke's views and those of George Lawson is well brought out by the similar content, but quite different demonstration, of their attitude to the majority principle. In his *Examination of Hobbes*, 1657, Lawson says that in all assemblies and societies, the major part concludes and determines the whole, to avoid confusion and dissension, and to preserve order (p. 25). A common source for both their views, and that of Tyrrell, could well have been the very well known discussion by Grotius, *De Jure Belli*, Prolegomena (1712, p. x), and II, v, 17.

viduals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the *consent of the majority*: or else it is impossible it should act or continue one Body, *one Community*, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the *majority*. And therefore we see that in Assemblies impowered to act by positive Laws where no number is set by that positive Law which impowers them, the *act of the Majority* passes for the act of the whole, and of course determines, as having by the Law of Nature and Reason, the power of the whole.

97. And thus every Man, by consenting with others to make one Body Politick under one Government, puts himself under an Obligation to every one of that Society, to submit to the determination of the *majority*, and to be concluded by it; or else this *original Compact*, whereby he with others incorporates into *one Society*, would signifie nothing, and be no Compact, if he be left free, and under no other ties, than he was in before in the State of Nature. For what appearance would there be of any Compact? What new Engagement if he were no farther tied by any Decrees of the Society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his Compact, or any one else in the State of Nature hath, who may submit himself and consent to any acts of it if he thinks fit.

98. For if *the consent of the majority* shall not in reason, be received, as *the act of the whole*, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: But such a consent is next impossible ever to be had, if we consider the Infirmities of Health, and Avocations of Business, which in a number, though much less than that of a Common-wealth, will necessarily keep many away from the publick Assembly. To which if we add the variety of

§ 97 The effect, if not the sense and phraseology, of this paragraph is very close to that of Hobbes, *Leviathan*, chapter 18, headed *No man can without injustice protest against the Institution of the Soveraigne declared by the major part* (1904, 122). See note on 11, § 98, 12–14.

§ 98 This paragraph was extensively modified by Locke in the Christ's copy, though not in such a way as to alter the sense.

Opinions, and contrariety of Interests, which unavoidably happen in all Collections of Men, the coming into Society upon such terms, would be only like *Cato*'s coming into the Theatre, only to go out again. Such a Constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest Creatures; and not let it outlast the day it was born in: which cannot be suppos'd, till we can think, that Rational Creatures should desire and constitute Societies only to be dissolved. For where the *majority* cannot conclude the rest, there they cannot act as one Body, and consequently will be immediately dissolved again.

99. Whosoever therefore out of a State of Nature unite into a *Community*, must be understood to give up all the power, necessary to the ends for which they unite into Society, to the *majority* of the Community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to *unite into one Political Society*, which is *all the Compact* that is, or needs be, between the Individuals, that enter into, or make up a *Common-wealth*. And thus that, which begins and actually *constitutes any Political Society*, is nothing but the consent of any number of Freemen capable of a majority to unite and incorporate into such a Society. And this is that, and that only, which did, or could give *beginning* to any *lawful Government* in the World.

100. To this I find two Objections made.

First, *That there are no Instances to be found in Story of a Company of Men independent and equal one amongst another, that met together, and in this way began and set up a Government.*

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11 Martial, *Epigrammaton*, I, Praef.:

'Cur in theatrum, Cato severe, venisti,
An ideo tantum veneras, ut exires?'

A common anecdote about Cato of Utica; information from Mr E. J. Kenney.

12–14 A deliberate invocation of the language of Hobbes, clearly sarcastic and not intended as a critical comment on the theory of *Leviathan*, nor on any particular passage in it; see Introduction, 71. Locke and Hobbes were agreed on the necessity of the consent of the majority being taken for the act of the whole, and it was Filmer who denied it; see passages cited in note on II, § 95, 9. His defence of the majority principle against Filmer must be pronounced unsatisfactory, for he responded to the challenge to prove 'by some law of nature that the major part have the power to rule over the rest of the multitude' (Filmer, 82) by simply asserting that it is 'by the Law of Nature and Reason' (II, § 96, 16); compare Allen, 1928.

§ 100 It is possible that the paragraphs from this point to II, § 131, were added after the original composition, perhaps in 1681, for § 132 seems to follow on to § 99. See note on II, §§ 95 (ch. VIII); 101; 111, 18; 123 (ch. IX); 132 (ch. X).

Secondly, *'Tis impossible of right that Men should do so, because all Men being born under Government, they are to submit to that, and are not at liberty to begin a new one.*

101. To the first there is this to Answer. That it is not at all to be wonder'd, that *History* gives us but a very little account of Men, *that lived together in the State of Nature.* The inconveniencies of that condition, and the love, and want of Society no sooner brought any number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose *Men* ever to have been *in the State of Nature*, because we hear not much of them in such a State, we may as well suppose the Armies of *Salmanasser*, or *Xerxes* were never Children, because we hear little of them, till they were Men, and imbodied in Armies. Government is every where antecedent to Records, and Letters seldome come in amongst a People, till a long continuation of Civil Society has, by other more necessary Arts provided for their Safety, Ease, and Plenty. And then they begin to look after the History of their *Founders*, and search into their *original*, when they have out-lived the memory of it. For 'tis with *Common-wealths* as with particular Persons, they are commonly *ignorant of their own Births* and *Infancies*: And if they know any thing of their *Original*, they are beholding, for it, to the accidental Records, that others have kept of it. And those that we have, of the beginning of any Polities in the World, excepting that of the *Jews*, where God himself immediately interpos'd, and which favours not at all Paternal Dominion, are all either plain instances of such a beginning, as I have mentioned, or at least have manifest footsteps of it.

102. He must shew a strange inclination to deny evident matter of fact, when it agrees not with his Hypothesis, who will

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5–7 See II, § 112, 18–19. Both the obvious objections registered here occur in Filmer, for example, 81 and 232.

§ 101 This paragraph begins the fuller answer about the actual existence of a state of nature preceding the establishment of civil societies, hinted at in II, § 14, 1–3. It seems possible that in 1681 Locke decided to elaborate his argument on this point, and that this was why he extended his text here—see note on II, § 100 and references.

9 *'Salmanasser'*—the Assyrian conqueror (ninth century B.C.); *'Xerxes'*—the Persian conqueror (defeated at Salamis 480 B.C.).

11–12 Compare I, § 144, 31–2 and I, § 145, 7.

23–5 These phrases show that Locke has Filmer in mind, and 'manifest footsteps' is Filmer's own expression (60) ridiculed in I, § 150.

not allow that the *beginning* of *Rome* and *Venice* were by the uniting together of several Men free and independent one of another, amongst whom there was no natural Superiority or Subjection. And if *Josephus Acosta*'s word may be taken, he tells us, that in many parts of *America* there was no Government at all. *There are great and apparent Conjectures*, says he, *that these Men*, speaking of those of *Peru*, *for a long time had neither Kings nor Common-wealths*, *but lived in Troops*, *as they do this day in* Florida, *the* Cheriquanas, *those of* Bresil, *and many other Nations*, *which have no certain Kings*, *but as occasion is offered in Peace or War*, *they choose their Captains as they please*, l. 1. c. 25. If it be said, that every Man there was born subject to his Father, or the head of his Family. That the subjection due from a Child to a Father, took not away his freedom of uniting into what Political Society he thought fit, has been already proved. But be that as it will, these Men, 'tis evident, were actually *free*; and whatever superiority some Politicians now would place in any of them, they themselves claimed it not; but by consent were all *equal*, till by the same consent they set Rulers over themselves. So that their *Politick Societies* all *began* from a voluntary Union, and the mutual agreement of Men freely acting in the choice of their Governours, and forms of Government.

103. And I hope those who went away from *Sparta* with *Palantus*, mentioned by *Justin l. 3. c. 4* will be allowed to have been *Freemen independent* one of another, and to have set up a Government over themselves, by their own consent. Thus I have given several Examples out of History, of *People free and in the State of Nature*, that being met together incorporated and *began a Commonwealth*. And if the want of such instances be an argument to prove

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§ 102 3 Locke is contradicting Filmer here, see 206 *et seq.*, 220 *et seq.*

6–13 A citation from Edward Grimestone's translation of Acosta, *The naturall and morall historie of the Indies*, 1604, a popular book with Locke, and by his side in 1681. The passage is found on 1, 72 of the 1880 reprint. The Cheriquanas are spelt with a 'g' in the original: 'a wild tribe in forests to the east of the Andes'.

14 A reminiscence of Filmer; see passage quoted in note to 11, § 114, 5–8.

§ 103 2 Palantus was the leader of the Spartans who founded the city of Tarentum in Italy in the eighth century B.C. The account given by Trogus Pompeius is known only from the epitome of his universal history made by Justin in the second or third century A.D. The reference here is probably to the Paris edition of 1543.

that *Government* were not, nor could not be so *begun*, I suppose the Contenders for Paternal Empire were better let it alone, than urge it against natural Liberty. For if they can give so many instances out of History, of *Governments begun* upon Paternal Right, I think (though at best an Argument from what has been, to what should of right be, has no great force) one might, without any great danger, yield them the cause. But if I might advise them in the Case, they would do well not to search too much into the *Original of Governments*, as they have begun *de facto*, lest they should find at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

104. But to conclude, Reason being plain on our side, that Men are naturally free, and the Examples of History shewing, that the *Governments* of the World, that were begun in Peace, had their beginning laid on that foundation, and were *made by the Consent of the People*; There can be little room for doubt, either where the Right is, or what has been the Opinion, or Practice of Mankind, about the *first erecting of Governments*.

105. I will not deny, that if we look back as far as History will direct us, towards the *Original of Common-wealths*, we shall generally find them under the Government and Administration of one Man. And I am also apt to believe, that where a Family was numerous enough to subsist by it self, and continued entire together, without mixing with others, as it often happens, where there is much Land and few People, the Government commonly began in the Father. For the Father having, by the Law of Nature, the same Power with every Man else to punish, as he thought fit, any Offences against that Law, might thereby punish his transgressing Children even when they were Men, and out of their Pupilage; and they

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10–19 A further reference to Filmer and his followers with their 'Paternal Right'.

§ 104 3 On the limitation to governments begun in peace, see II, § 112, 140.

§ 105 With this paragraph begins a passage continuing to II, § 112 which repeats and extends Locke's concessions to patriarchalism; compare II, § 74, 14–37 and note. Again his argument is close to that of Tyrrell (for example, 1681, 83 on) and perhaps even closer to Pufendorf—see *De Jure Naturae*, 1672, VII, i, entitled *De Causa Impulsitiva Instituendae Civitatis*, especially § 5. He follows Edward Gee, Filmer's first critic (1658, p. 150), in these comments on Filmer's patriarchalism.

were very likely to submit to his punishment, and all joyn with him againſt the Offender, in their turns, giving him thereby power to Execute his Sentence againſt any transgreſſion, and so in effect make him the Law-maker, and Governour over all, that remained in Conjunction with his Family. He was fitteſt to be truſted; Paternal affection secured their Property, and Intereſt under his Care, and the Cuſtom of obeying him, in their Childhood, made it easier to submit to him, rather than to any other. If therefore they muſt have one to rule them, as Government is hardly to be avoided amongſt Men that live together; who so likely to be the Man, as he that was their common Father; unless Negligence, Cruelty, or any other defect of Mind, or Body made him unfit for it? But when either the Father died, and left his next Heir for want of Age, Wisdom, Courage, or any other Qualities, less fit for Rule: or where several Families met, and consented to continue together: There, 'tis not to be doubted, but they used their natural freedom, to set up him, whom they judged the ableſt, and moſt likely, to Rule well over them. Conformable hereunto we find the People of *America*, who (living out of the reach of the Conquering Swords, and spreading domination of the two great Empires of *Peru* and *Mexico*) enjoy'd their own natural freedom, though, *cæteris paribus*, they commonly prefer the Heir of their deceased King; yet if they find him any way weak, or uncapable, they pass him by and set up the ſtouteſt and braveſt Man for their Ruler.

106. Thus, though looking back as far as Records give us any account of Peopling the World, and the Hiſtory of Nations, we commonly find the *Government* to be in one hand, yet it deſtroys not that, which I affirm, (*viz.*) That the *beginning of Politick Society* depends upon the consent of the Individuals, to joyn into and make one Society; who, when they are thus incorporated, might set up what form of Government they thought fit. But this having given occasion to Men to miſtake, and think, that by Nature Government was Monarchical, and belong'd to the Father, it may not be amiss here to consider, why People in the beginning generally pitch'd upon this form, which though

16 Elrington (1798) comments here that men had a *duty* to trust the heads of families and no arbitrary right to reject them, and on 11, § 106 that Locke does not maintain that men have an arbitrary right over their most important moral actions.

perhaps the Father's Preheminency might in the first institution of some Common-wealths, give a rise to, and place, in the beginning, the Power in one hand; Yet it is plain, that the reason, that continued the Form of *Government in a single Person*, was not any Regard, or Respect to Paternal Authority; since all petty Monarchies, that is, almost all *Monarchies*, near their Original, have been commonly, at least upon occasion, *Elective*.

107. First then, in the beginning of things, the Father's Government of the Childhood of those sprung from him, having accustomed them to the *Rule of one Man*, and taught them that where it was exercised with Care and Skill, with Affection and Love to those under it, it was sufficient to procure and preserve to Men all the Political Happiness they sought for, in Society. It was no wonder, that they should pitch upon, and naturally run into that Form of Government, which from their Infancy they had been all accustomed to; and which, by experience they had found both easie and safe. To which, if we add, that *Monarchy* being simple, and most obvious to Men, whom neither experience had instructed in Forms of Government, nor the Ambition or Insolence of Empire had taught to beware of the Encroachments of Prerogative, or the Inconveniencies of Absolute Power, which Monarchy, in Succession, was apt to lay claim to, and bring upon them, it was not at all strange, that they should not much trouble themselves to think of Methods of restraining any Exorbitances of those, to whom they had given the Authority over them, and of ballancing the Power of Government, by placing several parts of it in different hands. They had neither felt the Oppression of Tyrannical Dominion, nor did the Fashion of the Age, nor their Possessions, or way of living (which afforded little matter for Covetousness or Ambition) give them any reason to apprehend or provide against it: and therefore 'tis no wonder they put themselves into such a *Frame of Government*, as was not only as I said,

§ 106 16–18 Compare II, § 132, 10–12. In his journal under 25 March 1679 (compare Introduction, 34) and under the heading *Politia*, Locke quotes from Sagard's *Canada* (1636: compare II, § 58 note) on the elective kingship of that region, which nevertheless usually permits the son to succeed to the father's throne. 'Their kings are rather obliged by consent and persuasion than compulsion, the public good being the reason of their authority ... and this seems to be the state of regal authority in its original in all that part of the world', he writes, and initials the note (B.M. Add. MSS. 15642).

most obvious and simple, but also best suited to their present State and Condition; which stood more in need of defence against foreign Invasions and Injuries, than of multiplicity of Laws. The equality of a simple poor way of liveing confineing their desires within the narrow bounds of each mans smal propertie made few controversies and so no need of many laws to decide them: And there wanted not of Justice where there were but few Trespasses, and few Offenders. Since then those, who liked one another so well as to joyn into Society, cannot but be supposed to have some Acquaintance and Friendship together, and some Trust one in another; they could not but have greater Apprehensions of others, than of one another: And therefore their first care and thought cannot but be supposed to be, how to secure themselves against foreign Force. 'Twas natural for them to put themselves under a *Frame of Government*, which might best serve to that end; and chuse the wisest and bravest Man to conduct them in their Wars, and lead them out against their Enemies, and in this chiefly be their *Ruler*.

108. Thus we see, that the *Kings* of the *Indians* in *America*, which is still a Pattern of the first Ages in *Asia* and *Europe*, whilst the Inhabitants were too few for the Country, and want of People and Money gave Men no Temptation to enlarge their Possessions of Land, or contest for wider extent of Ground, are little more than *Generals of their Armies*; and though they command absolutely

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§ 107 28–32 Rewritten by Locke in the Christ's copy, but differences immaterial. The text is considerably modified in minute detail in this area, almost entirely for punctuation.

§ 108 1–2 Compare II, § 49, 1.

6 '*Generals of their Armies*'—Locke shared with Tyrrell the view that a frequent origin of kingship was in the military leader, and that the dominance of such a leader may be a transitional stage between the state of nature and of society. See Tyrrell, 1681, 85 (the early kings of the Goths, Vandals, and 'our Saxons') and 92–3, referring to the 'Caciques', of the Caribbean Islands and Brazil. Indeed Tyrrell actually made a note on the point in Locke's journal for 1680, about the King amongst the inhabitants of the Hudson Bay area, who was 'only captain of so many families'. Acosta and Lery were probably their other sources, but the most straightforward statement is to be found in the *Histoire naturelle et Morale des Iles Antilles* (H. and L. 2491a, probably by Rocheford, but also attributed to Du Tertre and De Poincy), Rotterdam, 1658, which Locke possessed. The discussion in Grotius, 1625, I, iii, 8, may be compared and contrasted.

The argument is repeated in the *Letters on Toleration*: 'There are nations in the *West Indies*, which have no other end of their society but their mutual defence against their common enemies. In these their captain, or prince, is sovereign commander in time

in War, yet at home and in time of Peace they exercise very little Dominion, and have but a very moderate Sovereignty, the Resolutions of Peace and War, being ordinarily either in the People, or in a Council. Though the War it self, which admits not of Plurality of Governours, naturally devolves the Command into the *King's sole Authority.*

109. And thus in *Israel* it self, the *chief Business of their Judges, and first Kings* seems to have been *to be Captains in War*, and Leaders of their Armies; which, (besides what is signified by *going out and in before the People*, which was, to march forth to War, and home again in the Heads of their Forces) appears plainly in the Story of *Jephtha*. The *Ammonites* making War upon *Israel*, the *Gileadites*, in fear send to *Jephtha*, a Bastard of their Family, whom they had cast off, and article with him, if he will assist them against the *Ammonites*, to make him their Ruler; which they do in these words, *And the People made him head and captain over them*, Judg. 11. 11. which was, as it seems, all one as to be *Judge*. *And he judged Israel*, Judg. 12. 7. that is, was their *Captain-General, six Years*. So when *Jotham* upbraids the *Shechemites* with the Obligation they had to *Gideon*, who had been their *Judge* and Ruler, he tells them, *He fought for you, and adventured his life far, and delivered you out of the hands of Midian*, Judg. 9. 17. Nothing mentioned of him, but what he did as a *General*, and indeed that

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of war; but in time of peace, neither he nor any body else has any authority over any of the society' (*Second Letter*, 1690, *Works*, 1801, VI, 121). 'Let me ask you, Whether it be not possible that men, to whom the rivers and woods afforded the spontaneous provisions of life, and so with no private possessions of land, had no inlarged desires after riches or power, should live in one society, make one people of one language under one Chieftain, who shall have no other power to command them in time of common war against their common enemies, without any municipal laws, judges, or any person with superiority established amongst them, but ended all their private differences, if any arose, by the extemporary determination of their neighbours, or of arbitrators chosen by the parties. I ask you, whether in such a commonwealth, the Chieftain, who was the only man of authority amongst them, had any power to use the force of the commonwealth to any other end but the defence of it against an enemy, though other benefits were attainable by it?' (*Third Letter*, 1692, *Works*, 1801, VI, 223). This second passage, written in vindication of the first, is a most interesting exposition of Locke's views on the state of nature, or of such a state mixed with a state of society. Compare Seliger, 1968, p. 870.

§ 109 This assimilation of biblical history with the history of primitive peoples is characteristically Lockeian; compare I, § 158, 5–7, and see II, § 36, 9–25 and references.

3–4 *'going out and in before the People'*—a common Old Testament phrase for leading the Israelites to war; see, for example, Numbers xxvii. 17.

6–16 'the Story of *Jephtha*'—see II, § 21, 17, with note and references.

is all is found in his History, or in any of the reſt of the Judges. And *Abimelech* particularly is called *King*, though at moſt he was but their *General*. And when, being weary of the ill Conduct of *Samuel*'s Sons, the Children of *Israel* desired a King, *like all the nations to judge them, and to go out before them, and to fight their battels*, 1 Sam. 8. 20. God granting their Desire, says to *Samuel*, *I will send thee a Man, and thou shalt anoint him to be Captain over my People Israel, that he may save my People out of the hands of the Philiſtines*, c. 9. v. 16. As if the only *business of a King* had been to lead out their Armies, and fight in their Defence; and accordingly at his Inauguration, pouring a Vial of Oyl upon him, declares to *Saul*, that *the Lord had anointed him to be Captain over his inheritance*, c. 10. v. 1. And therefore those, who after *Saul*'s being solemnly chosen and saluted *King* by the *Tribes* at *Miſpah*, were unwilling to have him their King, make no other Objection but this, *How shall this Man save us?* v. 27. as if they should have said, This Man is unfit to be our *King*, not having Skill and Conduct enough in War, to be able to defend us. And when God resolved to transfer the Government to *David*, it is in these Words, *But now thy Kingdom shall not continue: The Lord hath sought him a Man after his own heart, and the Lord hath commanded him to be Captain over his People*, c. 13. v. 14. As if the whole *Kingly Authority* were nothing else but to be their *General*: And therefore the *Tribes* who had ſtuck to *Saul*'s Family, and opposed *David*'s Reign, when they came to *Hebron* with terms of Submission to him, they tell him, amongſt other Arguments they had to submit to him as to their King, That he was in effect their *King* in *Saul*'s time, and therefore they had no reason but to receive him as their *King* now. *Also* (say they) *in time paſt, when Saul was King over us, thou waſt he that leddeſt out and broughteſt in Israel, and the Lord said unto thee, thou shalt feed my People Israel, and thou shalt be a Captain over Israel.*

110. Thus, whether *a Family* by degrees *grew up into a Commonwealth*, and the Fatherly Authority being continued on to the elder Son, every one in his turn growing up under it, tacitly submitted to it, and the easiness and equality of it not offending any one, every one acquiesced, till time seemed to have confirmed it, and settled a right of Succession by Prescription: or whether several Families, or the Descendants of several Families, whom

45–8 II Sam. v. 2.

Chance, Neighbourhood, or Business brought together, uniting into Society, the need of a General, whose Conduct might defend them against their Enemies in War, and the great confidence the Innocence and Sincerity of that poor but vertuous Age (such as are almost all those which begin Governments, that ever come to last in the World) gave Men one of another, made the first Beginners of Common-wealths generally put the Rule into one Man's hand, without any other express Limitation or Restraint, but what the Nature of the thing, and the End of Government required: which ever of these it was, that at first put the rule into the hands of a single person, certain it is that no body was ever intrusted with it but for the publick Good and Safety, and to those Ends in the Infancies of Commonwealths those who had it, commonly used it: And unless they had done so, young Societies could not have subsisted: without such nursing Fathers tender and carefull of the publick weale, all Governments would have sunk under the Weakness and Infirmities of their Infancy; and the Prince and the People had soon perished together.

111. But though the *Golden Age* (before vain Ambition, and *amor sceleratus habendi*, evil Concupiscence, had corrupted Mens minds into a Mistake of true Power and Honour) had more Virtue, and consequently better Governours, as well as less vicious Subjects; and there was then *no stretching Prerogative* on

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§ 110 17–23 Modified and partially rewritten in the Christ's copy. On 'nursing Fathers' and his other quasi-patriarchal statements compare II, § 105, note and references.

19–20 For Locke's doctrine of trust, see Introduction, 113 on, and compare in this passage in particular the early words of his *Essay Concerning Toleration* of 1667: 'The whole trust, power and authority of the magistrate is vested in him for no other purpose, but to be made use of for the good, preservation, and peace of men in that society over which he is set, and therefore this ought to be the standard and measure, according to which he ought to square and proportion his laws, model and frame his government' (Fox Bourne, 1876, I, 174).

§ 111 2 The Latin tag is from Ovid, *Metamorphoses*, I, 131. This hint of a golden age is a highly traditional element, and is usually assumed to be a description of Locke's state of nature; see Leslie Stephen, 1876 (1902), II, 137, followed, for example, by Strauss, 1953, 216. If this is the intention it is in sharp contrast with the Hobbesian view of the state of nature, though, as Strauss points out, rather difficult to reconcile with Locke's own account of the Fall, for example, I, §§ 44, 45. Lamprecht, 1918, 127, however, takes the view that it refers not to the state of nature but to the early, virtuous years of established government. As always, Locke's language is inexact, but a close and sympathetic reading of this paragraph and II, §§ 107, 110 seems to confirm this as the correct view.

the one side to oppress the People; *nor* consequently on the other any *Dispute about Priviledge*, to lessen or restrain the Power of the Magistrate;† and so no contest betwixt Rulers and People about Governours or Government: Yet, when Ambition and Luxury, in future Ages would retain and increase the Power, without doing the Business, for which it was given, and aided by Flattery, taught Princes to have distinct and separate Interests from their People, Men found it necessary to examine more carefully *the Original* and Rights of *Government*; and to find out ways to *restrain the Exorbitances*, and *prevent the Abuses* of that Power which they having intrusted in another's hands only for their own good, they found was made use of to hurt them.

112. Thus we may see how probable it is, that People that were naturally free, and by their own consent either submitted to the Government of their Father, or united together, out of different Families to make a Government, should generally put the *Rule into one Man's hands*, and chuse to be under the Conduct of a *single Person*, without so much as by express Conditions limiting or regulating his Power, which they thought safe enough in his Honesty and Prudence. Though they never dream'd of Monarchy being *Jure Divino*, which we never heard of among Mankind, till it was revealed to us by the Divinity of this last Age; nor ever allowed Paternal Power to have a right to Dominion,

† *At first, when some certain kind of Regiment was once approved, it may be nothing was then further thought upon for the manner of governing, but all permitted unto their Wisdom and Discretion which were to Rule, till by experience they found this for all parts very inconvenient, so as the thing which they had devised for a Remedy, did indeed but increase the Sore which it should have cured. They saw, that to live by one Man's Will, became the cause of all Mens misery. This constrained them to come unto Laws wherein all Men might see their Duty before-hand, and know the Penalties of transgressing them.* Hooker's Eccl. Pol. L. 1. Sect. 10.

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8 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. This quotation is also used to illustrate II, § 94, 26; see note there. Its reappearance here may be due to the fact that §§ 100–31 were added after the original composition (see note on II, § 95 (chapter VIII) and references), though it may indicate some confusion in Locke's manuscript, or some misunderstanding by the compositor of the 1st edition not subsequently corrected. The quotation is fairly appropriate in both places; it shows some variants from Hooker's text, including Locke's underlining of a critical phrase, and between the two printings of it.

§ 112 8–12 The 'Divinity of this last Age' was Filmer's patriarchal doctrine, publicly owned by the pulpit and made 'the *Currant Divinity of the Times*'; see the Preface, 32–3. It is possible that lines 8–17 here were an addition of 1689.

or to be the Foundation of all Government. And thus much may suffice to shew, that as far as we have any light from History, we have reason to conclude, that all peaceful beginnings of *Government* have been *laid in the Consent of the People*. I say *peaceful*, because I shall have occasion in another place to speak of Conquest, which some esteem a way of beginning of Governments.

The other Objection I find urged against the beginning of Polities, in the way I have mentioned, is this, viz.

113. *That all Men being born under Government, some or other, it is impossible any of them should ever be free, and at liberty to unite together, and begin a new one, or ever be able to erect a lawful Government.*

If this Argument be good; I ask, how came so many lawful Monarchies into the World? For if any body, upon this supposition, can shew me any one Man in any Age of the World *free* to begin a lawful Monarchy; I will be bound to shew him Ten other *free Men* at Liberty, at the same time to unite and begin a new Government under a Regal, or any other Form. It being demonstration, that if any one, *born under the Dominion* of another, may be so *free* as to have a right to command others in a new and distinct Empire; every one that is *born under the Dominion* of another may be so *free* too, and may become a Ruler, or Subject, of a distinct separate Government. And so by this their own Principle, either all Men, however *born*, are *free*, or else there is but one lawful Prince, one lawful Government in the World. And then they have nothing to do but barely to shew us, which that is. Which when they have done, I doubt not but all Mankind will easily agree to pay Obedience to him.

114. Though it be a sufficient Answer to their Objection to shew, that it involves them in the same difficulties that it doth those they use it against; yet I shall endeavour to discover the weakness of this Argument a little farther.

All Men, say they, *are born under Government, and therefore they*

14–15 Compare II § 104, 3.

15–17 The other place is Chapter XVI II §§ 175–198.

18–19 See II, § 100, 5–7: these two lines were obviously intended to stand out of the paragraph numeration, hence the odd beginning of § 113.

§ 113 1–5 Compare note on II, § 100. This objection is not found stated in such a general form by Filmer, but it is a position consistently implied by him; see especially his *Forms* (Laslett, 1949, 185–229).

§ 114 5–8 A paraphrase of Filmer (Laslett's edition, 232): 'Every man that is born, is so far from being free-born, that by his very birth he becomes a subject to

cannot be at liberty to begin a new one. Every one is born a Subject to his Father, or his Prince, and is therefore under the perpetual tye of Subjection and Allegiance. 'Tis plain Mankind never owned nor considered any such natural *subjection, that they were born in,* to one or to the other, that tied them, without their own Consents, to a Subjection to them and their Heirs.

115. For there are no Examples so frequent in History, both Sacred and Prophane, as those of Men withdrawing themselves, and their Obedience, from the Jurisdiction they were born under, and the Family or Community they were bred up in, and *setting up new Governments* in other places; from whence sprang all that number of petty Common-wealths in the beginning of Ages, and which always multiplyed, as long as there was room enough, till the stronger, or more fortunate swallowed the weaker; and those great ones again breaking to pieces, dissolved into lesser Dominions. All which are so many Testimonies against Paternal Sovereignty, and plainly prove, That it was not the natural right of the Father descending to his Heirs, that made Governments in the beginning, since it was impossible, upon that ground, there should have been so many little Kingdoms; all must have been but only one Universal Monarchy, if Men had not been *at liberty to separate* themselves from their Families, and the Government, be it what it will, that was set up in it, and go and make distinct Common-wealths and other Governments, as they thought fit.

116. This has been the practice of the World from its first beginning to this day: Nor is it now any more hindrance to the freedom of Mankind, that they are *born under constituted and ancient Polities*, that have established Laws and set Forms of Government, than if they were born in the Woods, amongst the unconfined Inhabitants that ran loose in them. For those who would perswade us, that *by being born under any Government, we are naturally Subjects to it*, and have no more any title or pretence to the freedom of the State of Nature, have no other reason (bating that of Paternal

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him that begets him: under which subjection, he is always to live, unless by immediate appointment from God, or by the grant or death of his Father, he become possessed of that power to which he was subject', ridiculed in the *First Treatise*; compare II, § 102, 14.

§ 116 9–10 This parenthesis demonstrates that Locke is still arguing against Filmer (compare § 115, 10–11): 'already answer'd' seems to refer to the text immediately preceding, rather than to the *First Treatise*.

Power, which we have already answer'd) to produce for it, but only because our Fathers or Progenitors passed away their natural Liberty, and thereby bound up themselves and their Posterity to a perpetual subjection to the Government, which they themselves submitted to. 'Tis true, that whatever Engagements or Promises any one has made for himself, he is under the Obligation of them, but *cannot* by any *Compact* whatsoever, bind *his Children* or Posterity. For this Son, when a Man, being altogether as free as the Father, any *act of the Father can no more give away the liberty of the Son*, than it can of any body else: He may indeed annex such Conditions to the Land, he enjoyed as a Subject of any Commonwealth, as may oblige his Son to be of that Community, if he will enjoy those Possessions which were his Fathers; because that Estate being his Fathers Property, he may dispose or settle it as he pleases.

117. And this has generally given the occasion to mistake in this matter; because Commonwealths not permitting any part of their Dominions to be dismembred, nor to be enjoyed by any but those of their Community, the Son cannot ordinarily enjoy the Possessions of his Father, but under the same terms his Father did; by becoming a Member of the Society: whereby he puts himself presently under the Government, he finds there established, as much as any other Subject of that Commonwealth. And thus *the Consent of Free-men, born under Government*, which only *makes them Members of it*, being given separately in their turns, as each comes to be of Age, and not in a multitude together; People take no notice of it, and thinking it not done at all, or not necessary, conclude they are naturally Subjects as they are Men.

118. But, 'tis plain, *Governments* themselves understand it otherwise; they *claim no Power over the Son, because of that they had over the Father*; nor look on Children as being their Subjects, by their Fathers being so. If a Subject of *England* have a Child by an *English* Woman in *France*, whose Subject is he? Not the King of

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§ 118 Leslie Stephen comments that this paragraph 'leads straight to anarchy', 1902, II, 140. I am indebted to Mr Parry, of Downing College, Cambridge, in the following notes.

4–5 In Locke's day, as in our own, a child of British subjects born in France was a British citizen, under the statute *De natis ultra mare* of 25 Edward III, and it was decided by a case of 1627 that either father or mother would suffice.

England's; for he must have leave to be admitted to the Priviledges of it. Nor the King of *France*'s; For how then has his Father a liberty to bring him away, and breed him as he pleases? And who ever was judged as a *Traytor* or *Deserter*, if he left, or warr'd against a Country, for being barely born in it of Parents that were Aliens there? 'Tis plain then, by the Practice of Governments themselves, as well as by the Law of right Reason, that *a Child is born a Subject of no Country or Government.* He is under his Fathers Tuition and Authority, till he come to Age of Discretion; and then he is a Free-man, at liberty what Government he will put himself under; what Body Politick he will unite himself to. For if an *English-Man*'s Son, born in *France*, be at liberty, and may do so, 'tis evident there is no Tye upon him by his Father being a Subject of this Kingdom; nor is he bound up, by any Compact of his Ancestors. And why then hath not his Son, by the same reason, the same liberty, though he be born any where else? Since the Power that a Father hath naturally over his Children, is the same, where-ever they be born; and the Tyes of Natural Obligations, are not bounded by the positive Limits of Kingdoms and Common-wealths.

119. *Every Man* being, as has been shewed, *naturally free*, and nothing being able to put him into subjection to any Earthly Power, but only his own Consent; it is to be considered, what shall be understood to be *a sufficient Declaration of* a Mans *Consent, to make him subject* to the Laws of any Government. There is a common distinction of an express and a tacit consent, which will concern our present Case. No body doubts but an *express Consent*, of any Man, entring into any Society, makes him a perfect Member of that Society, a Subject of that Government. The difficulty is, what ought to be look'd upon as a *tacit Consent*, and how far it binds, *i.e.* how far any one shall be looked on to have

7 This does not seem to have been a general rule, but there were cases of foreign-born children of British parents being formally naturalized in the seventeenth century; see Parry, 1954.

11–13 Pollock comments that this is an 'opinion which no modern lawyer will accept, least of all a continental one', 1904, 244. Since, however, there was no right to nationality in the law of Locke's day, he is not necessarily wrong in what he says. He was strongly in favour of the naturalization of aliens on social and economic grounds; see Laslett, 1957 (i), 393.

§ 119 7–9 The *Fundamental Constitutions of Carolina*, Articles 117–18, make provision for just such an express declaration, but Seliger, 1968, p. 276, denies the relevance of this.

consented, and thereby submitted to any Government, where he has made no Expressions of it at all. And to this I say, that every Man, that hath any Possession, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his *tacit Consent*, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it; whether this his Possession be of Land, to him and his Heirs for ever, or a Lodging only for a Week; or whether it be barely travelling freely on the Highway; and in Effect, it reaches as far as the very being of any one within the Territories of that Government.

120. To understand this the better, it is fit to consider, that every Man, when he, at first, incorporates himself into any Commonwealth, he, by his uniting himself thereunto, annexed also, and submits to the Community those Possessions, which he has, or shall acquire, that do not already belong to any other Government. For it would be a direct Contradiction, for any one, to enter into Society with others for the securing and regulating of Property: And yet to suppose his Land, whose Property is to be regulated by the Laws of the Society, should be exempt from the Jurisdiction of that Government, to which he himself the Proprietor of the Land, is a Subject. By the same Act therefore, whereby any one unites his Person, which was before free, to any Commonwealth; by the same he unites his Possessions, which were before free, to it also; and they become, both of them, Person and Possession, subject to the Government and Dominion of that Commonwealth, as long as it hath a being. *Whoever* therefore, from thenceforth, by Inheritance, Purchase, Permission, or otherways *enjoys any part of the Land*, so annext to, and under the Government *of that Commonwealth, must take it with the Condition* it is under; that is, *of submitting to the Government of the Commonwealth*, under whose Jurisdiction it is, as far forth, as any Subject of it.

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§ 120 Kendall infers from this passage that society vouchsafes property to the individual. Compare 11, § 139, 4–5 and statements in the works on toleration. Locke's *1st Letter* of 1689 implies that the magistrate may 'change propriety among fellow-subjects', and the *Essay* of 1667 says 'The magistrate having a power to appoint ways of transferring proprieties from one man to another, may establish any, so they be universal, equal and without violence and suited to the welfare of that society' (quoted here from the Huntington MS. The words underlined are omitted in that printed by Fox Bourne (1876, I, 183)).

121. But since the Government has a direct Jurisdiction only over the Land, and reaches the Possessor of it, (before he has actually incorporated himself in the Society) only as he dwells upon, and enjoys that: *The Obligation* any one is under, by Virtue of such Enjoyment, *to submit to the Government, begins and ends with the Enjoyment*; so that whenever the Owner, who has given nothing but such a *tacit Consent* to the Government, will, by Donation, Sale, or otherwise, quit the said Possession, he is at liberty to go and incorporate himself into any other Commonwealth, or to agree with others to begin a new one, *in vacuis locis*, in any part of the World, they can find free and unpossessed: Whereas he, that has once, by actual Agreement, and any *express* Declaration, given his *Consent* to be of any Commonweal, is perpetually and indispensably obliged to be and remain unalterably a Subject to it, and can never be again in the liberty of the State of Nature; unless by any Calamity, the Government, he was under, comes to be dissolved; or else by some publick Act cuts him off from being any longer a Member of it.

122. But submitting to the Laws of any Country, living quietly, and enjoying Priviledges and Protection under them, *makes not a Man a Member of that Society*: This is only a local Protection and Homage due to, and from all those, who, not being in a State of War, come within the Territories belonging to any Government, to all parts whereof the force of its Law extends. But this no more *makes a Man a Member of that Society*, a perpetual Subject of that Commonwealth, than it would make a Man a Subject to another in whose Family he found it convenient to abide for some time; though, whilst he continued in it, he were obliged to comply with the Laws, and submit to the Government he found there. And thus we see, that *Foreigners*, by living all their Lives under another Government, and enjoying the Priviledges and Protection of it, though they are bound, even in Conscience, to submit to its Administration, as far forth as any Denison; yet do not thereby come to be *Subjects or Members of that Commonwealth*. Nothing can make any Man so, but his actually entering into it by positive Engagement, and express Promise and Compact. This is that, which I think, concerning the beginning of Political Societies, and that *Consent which makes any one a Member* of any Commonwealth.

§ 121 15–18 Dissolution of Government and state of nature, see II, § 219, note and references.

17–18 Final phrase added in 2nd edition, 1694.

CHAP. IX.

Of the Ends of Political Society and Government.

123. IF Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Controul of any other Power? To which 'tis obvious to Answer, that though in the State of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others. For all being Kings as much as he, every Man his Equal, and the greater part no strict Observers of Equity and Justice, the enjoyment of the property he has in this State is very unsafe, very unsecure. This makes him willing to quit this Condition, which however free, is full of fears and continual dangers: And 'tis not without reason, that he seeks out, and is willing to joyn in Society with others who are already united, or have a mind to unite for the mutual *Preservation* of their Lives, Liberties and Estates, which I call by the general Name, *Property*.

124. The great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, *is*

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§ 123 *Chapter* IX. There is nothing in this short chapter to connect it with what goes before, or what comes after, which seems to be a continuation of the original text from § 99—see notes on II, § 95 (chapter VIII), II, § 100 and II, § 132 (chapter X). There are no references to connect it with the critique of Filmer, though some parallels (see § 124, 8–9; § 125, 1–4; § 129, 3–4) with other statements in the *Second Treatise*. In form it is a short restatement of his whole position, in brief paragraphs, all leading up to a judgment on James II—see § 131. It seems, therefore, like chapter XV (see note on II, § 169) to be an insertion of 1689.

2 Compare II, § 6, 2–3 and Strauss, 1953, 227.

16–17 On the extended definition of property set out here, see II, § 87, 5 note and references. The whole paragraph should be compared and contrasted with the first paragraph of *Leviathan*, chapter 17, and with II, § 19, 1–5 and references.

§ 124 1–3 The *locus classicus* for Locke's view of property in relation to government. Viner (see Introduction, 102) insists that property must here be taken to mean not simply material possessions, but property in the extended sense, the 'Lives, Liberties and Estates' of II, § 123, 15–16. In the *Epistola de Tolerantia* Locke puts

the Preservation of their Property. To which in the State of Nature there are many things wanting.

First, There wants an *establish'd*, settled, known *Law*, received and allowed by common consent to be the Standard of Right and Wrong, and the common measure to decide all Controversies between them. For though the Law of Nature be plain and intelligible to all rational Creatures; yet Men being biassed by their Interest, as well as ignorant for want of study of it, are not apt to allow of it as a Law binding to them in the application of it to their particular Cases.

125. *Secondly*, In the State of Nature there wants *a known and indifferent Judge*, with Authority to determine all differences according to the established Law. For every one in that State being both Judge and Executioner of the Law of Nature, Men being partial to themselves, Passion and Revenge is very apt to carry them too far, and with too much heat, in their own Cases; as well as negligence, and unconcernedness, to make them too remiss, in other Mens.

126. *Thirdly*, In the State of Nature there often wants *Power* to back and support the Sentence when right, and to *give* it due *Execution*. They who by any Injustice offended, will seldom fail, where they are able, by force to make good their Injustice: such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

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the same point somewhat differently, with material possessions more to the forefront: 'But the pravity of mankind being such that they had rather injuriously prey upon the fruits of another mans labours (alieno labore partis frui) than take pains to provide for themselves, the necessity of preserving men in the possession of what honest industry has already acquired, and also of preserving their liberty and strength, whereby they may acquire what they further want, obliges men to enter into society one with another (ideo homini parta, ut opes et facultates; vel ea quibus parantur, ut corporis libertatem et robur, tuendi gratia, ineunda est cum aliis societas) that by mutual assistance and joint force they may secure unto each other their properties, in the things that contribute to the comfort and happiness of this life (ut mutuo auxilio et junctis viribus harum rerum ad vitam utilium sua cuique privata et secura sit possessio)' (Klibansky and Gough, 1968, 124). Compare Macpherson, 1951, 551.

8–9 Compare II, § 12, 10–12, verbal parallel.

§ 125 1–3 Compare II, § 136, 8.

3–4 Compare II, § 7.

4–5 The mention of 'Passion' recalls Hobbes, *Leviathan*, chapter 17 (1904, 115, etc.), and the insistence on partiality recalls Hooker (1836, I, 305, compare II, § 91 and *English Tract* of 1660, 10). It is not demonstrable that Locke had either writer in mind.

127. Thus Mankind, notwithstanding all the Priviledges of the State of Nature, being but in an ill condition, while they remain in it, are quickly driven into Society. Hence it comes to pass, that we seldom find any number of Men live any time together in this State. The inconveniencies, that they are therein exposed to, by the irregular and uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish'd Laws of Government, and therein seek *the preservation of their Property*. 'Tis this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them; and by such Rules as the Community, or those authorised by them to that purpose, shall agree on. And in this we have the original *right and rise* of both *the Legislative and Executive Power*, as well as of the Governments and Societies themselves.

128. For in the State of Nature, to omit the liberty he has of innocent Delights, a Man has two Powers.

The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the *Law of Nature*: by which Law common to them all, he and all the rest of *Mankind are one Community*, make up one Society distinct from all other Creatures. And were it not for the corruption, and vitiousness of degenerate Men, there would be no need of any other; no necessity that Men should separate from this great and natural Community, and by positive agreements combine into smaller and divided associations.

The other power a Man has in the State of Nature, is the *power to punish the Crimes* committed against that Law. Both these he gives up, when he joyns in a private, if I may so call it, or particular Political Society, and incorporates into any Commonwealth, separate from the rest of Mankind.

129. The first *Power, viz. of doing whatsoever he thought fit for the Preservation of himself*, and the rest of Mankind, *he gives up* to be regulated by Laws made by the Society, so far forth as the preservation of himself, and the rest of that Society shall require;

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§ 127 10 'Single'—i.e. 'individual', not 'only'; see Kendall, 1941, 103.

§ 129 3–4 This limitation is elaborated in 11, § 149, especially lines 22–5.

2, 5 Elrington, 1798, comments here that a man is bound to give up this power: he is compelled by the law of nature itself to quit the state of nature, and he can lose no liberty by it, since this would imply that civil law was distinct from natural law.

which Laws of the Society in many things confine the liberty he had by the Law of Nature.

130. *Secondly*, the *Power of punishing* he wholly *gives up*, and engages his natural force, (which he might before imploy in the Execution of the Law of Nature, by his own single Authority, as he thought fit) to assist the Executive Power of the Society, as the Law thereof shall require. For being now in a new State, wherein he is to enjoy many Conveniencies, from the labour, assistance, and society of others in the same Community, as well as protection from its whole strength; he is to part also with as much of his natural liberty in providing for himself, as the good, prosperity, and safety of the Society shall require: which is not only necessary, but just; since the other Members of the Society do the like.

131. But though Men when they enter into Society, give up the Equality, Liberty, and Executive Power they had in the State of Nature, into the hands of the Society, to be so far disposed of by the Legislative, as the good of the Society shall require; yet it being only with an intention in every one the better to preserve himself his Liberty and Property; (For no rational Creature can be supposed to change his condition with an intention to be worse) the power of the Society, or *Legislative* constituted by them, *can never be suppos'd to extend farther than the common good*; but is obliged to secure every ones Property by providing against those three defects above-mentioned, that made the State of Nature so unsafe and uneasie. And so whoever has the Legislative or Supream Power of any Common-wealth, is bound to govern by establish'd *standing Laws*, promulgated and known to the People, and not by Extemporary Decrees; by *indifferent* and upright *Judges*, who are to decide Controversies by those Laws; And to imploy the force of the Community at home, *only in the Execution of such Laws*, or abroad to prevent or redress Foreign Injuries, and secure the Community from Inroads and Invasion. And all this to be directed to no other *end*, but the *Peace*, *Safety*, and *publick good* of the People.

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§ 131 12–21 These statements, especially lines 12–14, seem likely to be a reference to the actions of James II and the view he took of his position, for they are less appropriate than his other political judgments to the actions of Charles II. This may mark this paragraph, and indeed the whole chapter, as an insertion of 1689; see note on 11, § 123, chapter IX, and compare Abrams' note on *English Tract* of 1660, p. 19.

CHAP. X.

Of the Forms of a Common-wealth.

132. THE Majority having, as has been shew'd, upon Mens first uniting into Society, the whole power of the Community, naturally in them, may imploy all that power in making Laws for the Community from time to time, and Executing those Laws by Officers of their own appointing; and then the *Form* of the Government is a perfect *Democracy*: Or else may put the power of making Laws into the hands of a few select Men, and their Heirs or Successors; and then it is an *Oligarchy*: Or else into the hands of one Man, and then it is a *Monarchy*: If to him and his Heirs, it is an *Hereditary Monarchy*: If to him only for Life, but upon his Death the Power only of nominating a Successor to return to them; an *Elective Monarchy*. And so accordingly of these the Community may make compounded and mixed Forms of Government, as they think good. And if the Legislative Power be at first given by the Majority to one or more Persons only for their Lives, or any limited time, and then the Supream Power to revert to them again; when it is so reverted, the Community may dispose of it again anew into what hands they please, and so constitute a new Form of Government. For the *Form of Government depending upon the placing* the Supreme Power, which is the *Legislative*, it being impossible to conceive that an inferiour Power should prescribe to a Superiour, or any but the Supreme make Laws, according as the Power of making Laws is placed, such is *the Form of the Common-wealth.*

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§ 132 *Chapter* X This can be dated before 1685 (see note on § 133, 10), and since it follows on from § 99, which can be concluded from the words of its first line, is presumably the continuation and completion of chapter VIII (see notes on §§ 77, 100), written as part of the original critique of Filmer.

10–12 Compare II, § 106, 16–18.

12–24 These statements are point-blank denials of what Filmer had said, and of what Hobbes had said also (*Leviathan*, chapter 19). They blandly ignore Filmer's acute critique of mixed government in his *Anarchy of a Limited or Mixed Monarchy* (Laslett's edition, 277–313), though Locke shared with Filmer the traditional analysis of sovereignty; compare note on I, § 129, 10–15 and references.

19–24 Compare II, § 150.

133. By *Common-wealth*, I must be understood all along to mean, not a Democracy, or any Form of Government, but *any Independent Community* which the *Latines* signified by the word *Civitas*, to which the word which best answers in our Language, is *Commonwealth*, and most properly expresses such a Society of Men, which Community or Citty in *English* does not, for there may be Subordinate Communities in a Government; and City amongst us has a quite different notion from Commonwealth: And therefore to avoid ambiguity, I crave leave to use the word *Commonwealth* in that sense, in which I find it used by King *James the First*, and I take it to be its genuine signification; which if any Body dislike, I consent with him to change it for a better.

CHAP. XI.

Of the Extent of the Legislative Power.

134. THE great end of Mens entring into Society, being the enjoyment of their Properties in Peace and Safety, and the great instrument and means of that being the Laws establish'd in that Society; the *first and fundamental positive Law* of all Commonwealths, *is the establishing of the Legislative* Power; as the *first and*

§ 133 2–3 Compare 'that great LEVIATHAN called a COMMON-WEALTH OR STATE (in latine CIVITAS)' (1904, XVIII), perhaps a re-echo, perhaps a coincidence; see II, § 212 and note.

10 'King *James the First*'—1st edition, 'by K. *James* himself', changed in 1694. This is a striking indication that he wrote this passage before the accession of James II in 1685, see Introduction, 54, compare a second instance in II, § 200, 3, and 'either of our Queens' in I, § 47, 25. Locke is probably referring to the speeches of 1603 and 1609 quoted in II, § 200, for 'Commonwealth' occurs in both (II, § 200, 5 and 31). He quotes a maxim of 'King James', i.e. James I, in a letter of 17 March 1684 (de Beer, 2, 612).

§ 134 *Chapter* XI There is no obvious internal evidence to date the composition of this chapter. It is far less clearly connected with the polemic against Filmer than other parts of the text, but its statements are consistent with the attitude Locke takes up in that controversy and it is probably best regarded as part of the first form of the text, before 1681. There is nothing whatever to indicate that any part of it was an addition of 1689.

1–11 Compare the very similar passage in Locke's *Epistola de Tolerantia*, 1689, translated thus by Popple in the *Letter concerning Toleratation* (*Works*, 1801, VI, 43). 'This is the

fundamental natural Law, which is to govern even the Legislative it self, is *the preservation of the Society*, and (as far as will consist with the publick good) of every person in it. This *Legislative* is not only *the supream power* of the Common-wealth, but sacred and unalterable in the hands where the Community have once placed it; nor can any Edict of any Body else, in what Form soever conceived, or by what Power soever backed, have the force and obligation of a *Law*, which has not its *Sanction from* that *Legislative*, which the publick has chosen and appointed. For without this the Law could not have that, which is absolutely necessary to its being a *Law*, *the consent of the Society*, over whom no Body can have a power to make Laws, but by their own consent,† and by Authority received from them; and therefore all the *Obedience*, which by the most solemn Ties any one can be obliged to pay, ultimately terminates in this *Supream Power*, and is directed by those Laws which it enacts: nor can any Oaths to any Foreign Power whatsoever, or any Domestick Subordinate Power, discharge any Member of the Society from his *Obedience to the Legislative*, acting pursuant to their trust, nor oblige him to any Obedience contrary to the Laws so enacted, or farther than they

† *The lawful Power of making Laws to Command whole Politick Societies of Men belonging so properly unto the same intire Societies, that for any Prince or Potentate of what kind soever upon Earth, to exercise the same of himself, and not by express Commission immediately and personally received from God, or else by Authority derived at the first from their consent, upon whose persons they impose Laws, it is no better than meer Tyranny. Laws they are not therefore which publick Approbation hath not made so.* Hooker's Eccl. Pol. I. 1. Sect. 10. *Of this point therefore we are to note, that sith Men naturally have no full and perfect Power to Command whole Politick Multitudes of Men, therefore utterly without our Consent, we could in such sort be at no Mans Commandment living. And to be commanded we do consent when that Society, whereof we be a part, hath at any time before consented, without revoking the same after by the like universal agreement.*

Laws therefore humane, of what kind soever, are available by consent. Ibid.

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original, this is the use, and these are the bounds of the legislative, which is the supreme power in every commonwealth. I mean, that provision may be made for the security of each man's private possessions; for the peace, riches, and public commodities of the whole people; and, as much as possible, for the increase of their inward strength, against foreign enemies.' On the priority of the legislative, compare II, § 212, especially lines 16 and 17: in the Latin treatise on the civil magistrate (1661) Locke insists that the supreme power is always in the legislative, see page 12.

17 Reference sign for Hooker quotations inserted by editor; see note on II, § 74, 15. Passages in Keble, 1836, II, 307–8, Locke's 1676 edition, 87–8, fairly exactly quoted. Molyneux (1698) cites the first part of this passage to exactly the same effect as Locke.

do allow; it being ridiculous to imagine one can be tied ultimately to *obey* any *Power* in the Society, which is not *the Supream.*

135. Though the *Legislative*, whether placed in one or more, whether it be always in being, or only by intervals, tho' it be the *Supream* Power in every Common-wealth; yet,

First, It is *not*, nor can possibly be absolutely *Arbitrary* over the Lives and Fortunes of the People. For it being but the joynt power of every Member of the Society given up to that Person, or Assembly, which is Legislator, it can be no more than those persons had in a State of Nature before they enter'd into Society, and gave up to the Community. For no Body can transfer to another more power than he has in himself; and no Body has an absolute Arbitrary Power over himself, or over any other, to destroy his own Life, or take away the Life or Property of another. A Man, as has been proved, cannot subject himself to the Arbitrary Power of another; and having in the State of Nature no Arbitrary Power over the Life, Liberty, or Possession of another, but only so much as the Law of Nature gave him for the preservation of himself, and the rest of Mankind; this is all he doth, or can give up to the Common-wealth, and by it to the *Legislative Power*, so that the Legislative can have no more than this. Their Power in the utmost Bounds of it, is *limited to the publick good* of the Society. It is a Power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the Subjects.† The Obligations of the Law of Nature,

† *Two Foundations there are which bear up publick Societies, the one a natural inclination, whereby all Men desire sociable Life and Fellowship; the other an Order, expressly or secretly agreed upon, touching the manner of their union in living together; the latter is that which we call the Law of a Common-weal, the very Soul of a Politick Body, the parts whereof are by Law animated, held together, and set on work in such actions as the common good requireth. Laws politick, ordain'd for external order and regiment amongst Men, are never framed as they should be, unless presuming the will of Man to be inwardly obstinate, rebellious, and averse from all Obedience to the sacred Laws of his Nature; in a word, unless presuming Man to be in regard of his depraved Mind, little better than a wild Beast, they do accordingly provide notwithstanding, so to frame his outward Actions, that they be no hindrance unto the common good, for which Societies are instituted. Unless they do this they are not perfect.* Hooker's Eccl. Pol. l. 1. Sect. 10.

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§ 135 11–12 Compare 11, § 6, 18–19: the two paragraphs are quite close in sentiment and expression.

17–23 Compare *Third Letter on Toleration* (1692), (*Works*, 1801, VI, 214): 'The power that is in the civil sovereign is the force of all the subjects of the commonwealth, which supposing it sufficient for other ends, than the preserving the members of the

cease not in Society, but only in many Cases are drawn closer, and have by Humane Laws known Penalties annexed to them, to inforce their observation. Thus the Law of Nature stands as an Eternal Rule to all Men, *Legislators* as well as others. The *Rules* that they make for other Mens Actions, must, as well as their own and other Mens Actions, be conformable to the Law of Nature, *i.e.* to the Will of God, of which that is a Declaration, and the *fundamental Law of Nature* being *the preservation of Mankind*, no Humane Sanction can be good, or valid against it.

136. *Secondly*, The *Legislative*, or Supream Authority, cannot assume to its self a power to Rule by extemporary Arbitrary Decrees,† but *is bound to dispense Justice*, and decide the Rights of the Subject *by promulgated standing Laws, and known Authoris'd Judges.* For the Law of Nature being unwritten, and so no where to be found but in the minds of Men, they who through Passion or Interest shall mis-cite, or misapply it, cannot so easily be convinced of their mistake where there is no establish'd Judge: And so it

† *Humane Laws are measures in respect of Men, whose actions they must direct, howbeit such measures they are as have also their higher Rules to be measured by, which Rules are two, the Law of God, and the Law of Nature; so that Laws Humane must be made according to the general Laws of Nature, and without contradiction to any positive Law of Scripture, otherwise they are ill made.* Ibid. l. 3. Sect. 9.

To constrain Men to any thing inconvenient doth seem unreasonable. Ibid. l.1. Sect. 10.

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commonwealth in peace from injury and violence: yet if those who gave him that power, limited the application of it to that sole end, no opinion of any other benefits attainable by it can authorize him to use it otherwise.'

§ 135 23 Reference sign for Hooker quotation inserted by editor; see note on II, § 74, 15. See Keble's *Hooker*, 1836, I, 299, Locke's 1676 edition, 85, coming just after the passage quoted in II, § 15, 3–13, and fairly exactly transcribed.

23–6 Compare II, § 12, 16–19, note and references.

§ 136 5–7 Compare II, § 124, 8–12.

3 Reference sign for Hooker quotations inserted by editor; see note on II, § 74, 15. The first passage is found on vol. I, p. 483 of Keble's *Hooker* and p. 142 of Locke's 1676 edition. It is the only reference to any book of the *Ecclesiastical Polity* other than the 1st and the Preface: it is one of the few indications in any Locke context which shows that he ever got further than the 1st Book—see Introduction, 56. It is the more remarkable, then, that the passage is acknowledged by Hooker to be a quotation from Aquinas, *Summa Theologiae*, I, ii, 95, Conclusio (1624, 624 B) Quaest. 95 Art. 3, where these words are found: 'Lex autem humana. . . est quaedam regula vel mensura regulata vel mensurata quaedam superiori mensura; quae quidem est duplex, scilicet divina lex, et lex naturae.' The second passage comes from Keble, I, 306, and 1676, 87: both are quoted with insignificant variations.

8 Compare II, § 125, 1–3: Locke is here recapitulating what he had written there.

serves not, as it ought, to determine the Rights, and fence the Properties of those that live under it, especially where every one is Judge, Interpreter, and Executioner of it too, and that in his own Case: And he that has right on his side, having ordinarily but his own single ſtrength, hath not force enough to defend himself from Injuries, or to punish Delinquents. To avoid these Inconveniencies which disorder Mens Properties in the ſtate of Nature, Men unite into Societies, that they may have the united ſtrength of the whole Society to secure and defend their Properties, and may have *ſtanding Rules* to bound it, by which every one may know what is his. To this end it is that Men give up all their Natural Power to the Society which they enter into, and the Community put the Legislative Power into such hands as they think fit, with this truſt, that they shall be govern'd by *declared Laws*, or else their Peace, Quiet, and Property will ſtill be at the same uncertainty, as it was in the ſtate of Nature.

137. Absolute Arbitrary Power, or Governing without *ſettled ſtanding Laws*, can neither of them conſiſt with the ends of Society and Government, which Men would not quit the freedom of the ſtate of Nature for, and tie themselves up under, were it not to preserve their Lives, Liberties and Fortunes; and by *ſtated Rules* of Right and Property to secure their Peace and Quiet. It cannot be supposed that they should intend, had they a power so to do, to give to any one, or more, an *absolute Arbitrary Power* over their Persons and Eſtates, and put a force into the Magiſtrates hand to execute his unlimited Will arbitrarily upon them: This were to put themselves into a worse condition than the ſtate of Nature, wherein they had a Liberty to defend their Right againſt the Injuries of others, and were upon equal terms of force to maintain it, whether invaded by a single Man, or many in Combination. Whereas by supposing they have given up themselves to the *absolute Arbitrary Power* and will of a Legislator, they have disarmed themselves, and armed hîm, to make a prey of them when he pleases. He being in a much worse condition who is exposed to

§ 137 This argument is irrelevant to Filmer, since he had denied the possibility of a state of nature, though Locke consistently overlooks this position, one of the strong points of patriarchalism. It is, however, relevant to Hobbes, and even recalls Filmer's own criticisms of Hobbes, 239–50, though not exactly tied to any Hobbesian proposition. This is typical of the Hobbes/Locke relationship—see Introduction, 67–78.

the Arbitrary Power of one Man, who has the Command of 100000. than he that is expos'd to the Arbitrary Power of 100000. single Men: no Body being secure, that his Will, who has such a Command, is better, than that of other Men, though his Force be 100000. times stronger. And therefore whatever Form the Common-wealth is under, the Ruling Power ought to govern by *declared* and *received Laws*, and not by extemporary Dictates and undetermined Resolutions. For then Mankind will be in a far worse condition, than in the State of Nature, if they shall have armed one or a few Men with the joynt power of a Multitude, to force them to obey at pleasure the exorbitant and unlimited Decrees of their sudden thoughts, or unrestrain'd, and till that moment unknown Wills without having any measures set down which may guide and justifie their actions. For all the power the Government has, being only for the good of the Society, as it ought not to be *Arbitrary* and at Pleasure, so it ought to be exercised by *established and promulgated Laws*: that both the People may know their Duty, and be safe and secure within the limits of the Law, and the Rulers too kept within their due bounds, and not to be tempted, by the Power they have in their hands, to imploy it to such purposes, and by such measures, as they would not have known, and own not willingly.

138. *Thirdly*, The *Supream Power cannot take* from any Man any part of his *Property* without his own consent. For the preservation of Property being the end of Government, and that for which Men enter into Society, it necessarily supposes and requires, that the People should *have Property*, without which they must be suppos'd to lose that by entring into Society, which was the end for which they entered into it, too gross an absurdity for any Man to own. *Men* therefore *in Society having Property*, they have such a right to the goods, which by the Law of the Community are theirs, that no Body hath a right to take their substance, or any part of it from them, without their own consent; without this, they have no *Property* at all. For I have truly no *Property* in

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§ 138 1–2 Elrington, 1798, notes here the duty of each individual to pay taxes.
5–7 Compare *Jura Populi Anglicani*, 1701, 30: 'The supreme Power cannot take from any man any part of his Property without his own consent . . . (as a Very Learned and Ingenious Auther tells us)', with a footnote to 'The Author of two Treatises of Government, pag. 277'. This is presumably a slip for p. 274 of the 1694

that, which another can by right take from me, when he pleases, againſt my consent. Hence it is a miſtake to think, that the Supream or *Legiſlative Power* of any Commonwealth, can do what it will, and dispose of the Eſtates of the Subject *arbitrarily*, or take any part of them at pleasure. This is not much to be fear'd in Governments where the *Legiſlative* conſiſts, wholly or in part, in Assemblies which are variable, whose Members upon the Dissolution of the Assembly, are Subjects under the common Laws of their Country, equally with the reſt. But in Governments, where the *Legiſlative* is in one laſting Assembly always in being, or in one Man, as in Absolute Monarchies, there is danger ſtill, that they will think themselves to have a diſtinct intereſt, from the reſt of the Community; and so will be apt to increase their own Riches and Power, by taking, what they think fit, from the People. For a Man's *Property* is not at all secure, though there be good and equitable Laws to set the bounds of it, between him and his Fellow Subjects, if he who commands those Subjects, have Power to take from any private Man, what part he pleases of his *Property*, and use and dispose of it as he thinks good.

139. But *Government* into whatsoever hands it is put, being as I have before shew'd, intruſted with this condition, and *for this end*, that Men might have and secure *their Properties*, the Prince or Senate, however it may have power to make Laws for the regulating of *Property* between the Subjects one amongſt another, yet can never have a Power to take to themselves the whole or any part of the Subjects *Property*, without their own consent. For this would be in effect to leave them no *Property* at all. And to let us see, that even *absolute Power*, where it is necessary, is *not Arbitrary* by being absolute, but is ſtill limited by that reason, and confined to those ends, which required it in some Cases to be absolute, we need look no farther than the common practice of Martial

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or 1698 printing, where this paragraph appears. The author of the tract is generally recognized as Lord Somers, Locke's close friend and patron; it is very Lockeian in tone, and even more forthright about property and consent, since Locke leaves it possible to suppose that consent is collective, not individual.

13–17 Contrast Hobbes: '*Mine*, and *Thine* and *His*; that is to say, in one word *Propriety*; . . . belongeth in all kinds of Common-wealth to the Soveraign Power', *Leviathan*, 1904, 176, compare 240.

17–21 The government of England is obviously meant; compare II, § 143.

21–5 Compare II, §§ 143, 6–14; 163, 13–17; 164, 15–16.

§ 139 4–5 Compare II, § 120, note and references on a government's regulation of property.

Discipline. For the Preservation of the Army, and in it of the whole Commonwealth, requires an *absolute Obedience* to the Command of every Superiour Officer, and it is justly Death to disobey or dispute the most dangerous or unreasonable of them: but yet we see, that neither the Serjeant, that could command a Souldier to march up to the mouth of a Cannon, or stand in a Breach, where he is almost sure to perish, can command that Soldier to give him one penny of his Money; nor the *General*, that can condemn him to Death for deserting his Post, or for not obeying the most desperate Orders, can yet with all his absolute Power of Life and Death, dispose of one Farthing of that Soldiers Estate, or seize one jot of his Goods; whom yet he can command any thing, and hang for the least Disobedience. Because such a blind Obedience is necessary to that end for which the Commander has his Power, *viz.* the preservation of the rest; but the disposing of his Goods has nothing to do with it.

140. 'Tis true, Governments cannot be supported without great Charge, and 'tis fit every one who enjoys his share of the Protection, should pay out of his Estate his proportion for the maintenance of it. But still it must be with his own Consent, *i.e.* the Consent of the Majority, giving it either by themselves, or their Representatives chosen by them. For if any one shall claim a *Power to lay* and levy *Taxes* on the People, by his own Authority, and without such consent of the People, he thereby invades the *Fundamental Law of Property*, and subverts the end of Government. For what property have I in that which another may by right take, when he pleases to himself?

141. *Fourthly*, The *Legislative cannot transfer the Power of Making Laws* to any other hands. For it being but a delegated Power from the People, they, who have it, cannot pass it over to others. The People alone can appoint the Form of the Commonwealth, which is by Constituting the Legislative, and appointing in whose hands that shall be. And when the People have said, We will submit to rules, and be govern'd by *Laws* made by such Men, and in such

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§ 140 3–6 Here Locke's individual doctrine of property and his assumption about majorities and representation are joined with traditional English constitutionalism. Elrington, 1798, characteristically comments that 'only part of the citizens' should have a right to taxation by consent, so that 'the property of individuals may be more secure'. On representatives compare note on II, § 158, 5.

Forms, no Body else can say other Men shall make *Laws* for them; nor can the people be bound by any *Laws* but such as are Enacted by those, whom they have Chosen, and Authorised to make *Laws* for them. The power of the *Legislative* being derived from the People by a positive voluntary Grant and Institution, can be no other, than what that positive Grant conveyed, which being only to make *Laws*, and not to make *Legislators*, the *Legislative* can have no power to transfer their Authority of making Laws, and place it in other hands.

142. These are the *Bounds* which the trust that is put in them by the Society, and the Law of God and Nature, have *set to the Legislative* Power of every Commonwealth, in all Forms of Government.

First, They are to govern by *promulgated establish'd Laws*, not to be varied in particular Cases, but to have one Rule for Rich and Poor, for the Favourite at Court, and the Country Man at Plough.

Secondly, These *Laws* also ought to be designed *for* no other end ultimately but *the good of the People.*

Thirdly, they must *not raise Taxes* on the Property of the People, *without the Consent of the People*, given by themselves, or their Deputies. And this properly concerns only such Governments where the *Legislative* is always in being, or at least where the People have not reserv'd any part of the Legislative to Deputies, to be from time to time chosen by themselves.

Fourthly, The *Legislative* neither must *nor can transfer the Power of making Laws* to any Body else, or place it any where but where the People have.

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§ 141 11–16 Added in the 2nd printing, 1694: Locke altered words in the earlier part of the paragraph after 1698. Compare 1, §§ 25, 2–4; 85, 18–19 on grants: Pareyson, 1948, comments that Locke's view recalls the medieval theory of *concessio*.

CHAP. XII.

Of the Legislative, Executive, and Federative Power of the Commonwealth.

143. THE *Legislative* Power is that which has a right *to direct* how *the Force of the Commonwealth* shall be imploy'd for preserving the Community and the Members of it. But because those Laws which are constantly to be Executed, and whose force is always to continue, may be made in a little time; therefore there is no need, that the *Legislative* should be always in being, not having always business to do. And because it may be too great a temptation to humane frailty apt to grasp at Power, for the same Persons who have the Power of making Laws, to have also in their hands the power to execute them, whereby they may exempt themselves from Obedience to the Laws they make, and suit the Law, both in its making and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the Community, contrary to the end of Society and Government: Therefore in well order'd Commonwealths, where the good of the whole is so considered, as it ought, the *Legislative* Power is put into the hands of divers Persons who duly Assembled, have by themselves, or jointly with others, a Power to make Laws, which when they have done, being separated again, they are themselves subject to the Laws, they have made; which is a new and near tie upon them, to take care, that they make them for the publick good.

144. But because the Laws, that are at once, and in a short time made, have a constant and lasting force, and need a *perpetual*

§ 143 *Chapter* XII Though, as in the case of chapter XI (see note on II, § 134) there is nothing in the text to date the composition of this chapter, it is probably best regarded as part of the original text, before 1681. The separation of powers is hinted at several times elsewhere, in II, § 91, in II, § 107 where it is part of the anti-patriarchal argument, and II, § 127: the logical position indicating the existence of a Federative Power is established in II, § 14. There is no indication of an insertion or revision in 1689, and so no textual grounds for supposing that it is historically related to William III's constitutional position in respect of foreign policy.

15–21 The constitutional arrangements of England are those of the 'well order'd Commonwealth' Locke has in mind; compare II, §§ 138, 17–21; 151; 167; 213.

Execution, or an attendance thereunto: Therefore 'tis necessary there should be a *Power always in being*, which should see to the *Execution* of the Laws that are made, and remain in force. And thus the *Legislative* and *Executive Power* come often to be separated.

145. There is another *Power* in every Commonwealth, which one may call *natural*, because it is that which answers to the Power every Man naturally had before he entred into Society. For though in a Commonwealth the Members of it are distinct Persons still in reference to one another, and as such are governed by the Laws of the Society; yet in reference to the rest of Mankind, they make one Body, which is, as every Member of it before was, still in the State of Nature with the rest of Mankind. Hence it is, that the Controversies that happen between any Man of the Society with those that are out of it, are managed by the publick; and an injury done to a Member of their Body, engages the whole in the reparation of it. So that under this Consideration, the whole Community is one Body in the State of Nature, in respect of all other States or Persons out of its Community.

146. This therefore contains the Power of War and Peace, Leagues and Alliances, and all the Transactions, with all Persons and Communities without the Commonwealth, and may be called *Federative*, if any one pleases. So the thing be understood, I am indifferent as to the Name.

147. These two Powers, *Executive* and *Federative*, though they be really distinct in themselves, yet one comprehending the *Execution* of the Municipal Laws of the Society *within* its self, upon all that are parts of it; the other the management of the *security and interest of the publick without*, with all those that it may receive benefit or damage from, yet they are always almost united. And though this *federative Power* in the well or ill management of it be

§ 144 3–5 Compare II, § 153, 2–5.
§ 145 6–8 Compare II, § 14; § 183, 7–8.
§ 146 On the federative power, see Introduction, 119, note and references. Lawson, *Politica Sacra* (1660), 1689, 63, recognizes something of this nature and has been supposed to be Locke's source. But in general his doctrine of the separation of powers is quite different from Locke's, and rather more specific. He bases it on Scripture (*Examination of Hobbes*, 1657, 56), and recognizes the three powers now regarded as usual: legislative, judicial and executive; see 1689, 72, 93, 97, etc.; 1657, 8. He is interested, perhaps, more in the gradation and nature, than the independence of these powers, though like Locke and everyone else he insisted on the independence of the judiciary.

of great moment to the commonwealth, yet it is much less capable to be directed by antecedent, standing, positive Laws, than the *Executive*; and so must necessarily be left to the Prudence and Wisdom of those whose hands it is in, to be managed for the publick good. For the *Laws* that concern Subjects one amongst another, being to direct their actions, may well enough *precede* them. But what is to be done in reference to *Foreigners*, depending much upon their actions, and the variation of designs and interests, must be *left* in great part *to* the *Prudence* of those who have this Power committed to them, to be managed by the best of their Skill, for the advantage of the Commonwealth.

148. Though, as I said, the *Executive* and *Federative Power* of every Community be really distinct in themselves, yet they are hardly to be separated, and placed, at the same time, in the hands of distinct Persons. For both of them requiring the force of the Society for their exercise, it is almost impracticable to place the Force of the Commonwealth in distinct, and not subordinate hands; or that the *Executive* and *Federative Power* should be *placed* in Persons that might act separately, whereby the Force of the Publick would be under different Commands: which would be apt sometime or other to cause disorder and ruine.

CHAP. XIII.

Of the Subordination of the Powers of the Commonwealth.

149. THough in a Constituted Commonwealth, standing upon its own Basis, and acting according to its own Nature, that is, acting for the preservation of the Community, there can be but *one Supream Power*, which is *the Legislative*, to which all the

§ 149 *Chapter* XIII In the view of the editor, this chapter was part of the first version, but belongs to 1680–1 rather than to 1679. It is relevant to the Filmer controversy, but rather more to the political programme and activities of Shaftesbury. It is concerned with the election, summoning, prorogation and dissolution of parliament and ends with a plea for parliamentary reform, all subjects of great importance to Shaftesbury and his Whigs, especially in 1680 and 1681; see notes on §§ 156, 157. Some of the remarks may conceivably have been added in 1689 as a reference to

reſt are and muſt be subordinate, yet the Legislative being only a Fiduciary Power to act for certain ends, there remains ſtill *in the People a Supream Power* to remove or *alter the Legislative*, when they find the *Legislative* act contrary to the truſt reposed in them. For all *Power given with truſt* for the attaining an *end*, being limited by that end, whenever that *end* is manifeſtly neglected, or opposed, the *truſt* muſt necessarily be *forfeited*, and the Power devolve into the hands of those that gave it, who may place it anew where they shall think beſt for their safety and security. And thus the *Community* perpetually *retains a Supream Power* of saving themselves from the attempts and designs of any Body, even of their Legislators, whenever they shall be so foolish, or so wicked, as to lay and carry on designs againſt the Liberties and Properties of the Subject. For no Man, or Society of Men, having a Power to deliver up their *Preservation*, or consequently the means of it, to the Absolute Will and arbitrary Dominion of another; whenever any one shall go about to bring them into such a Slavish Condition, they will always have a right to preserve what they have not a Power to part with; and to rid themselves of those who invade this Fundamental, Sacred, and unalterable Law of *Self-Preservation*, for which they enter'd into Society. And thus the *Community* may be said in this respect to be *always the Supream Power*, but not as considered under any Form of Government, because this Power of the People can never take place till the Government be dissolved.

150. In all Cases, whilſt the Government subsiſts, the *Legislative is the Supream Power*. For what can give Laws to another, muſt

James II, but in general it seems to be a call to constitutional, even revolutionary change made in defiance of Charles II.

3–5 The supremacy of the legislative is a characteristic of Locke's theory and so typical of the body of thought which he represented that it seems unnecessary to look for a source of this concept in Lawson (e.g. 1657, 30) as Maclean wishes to do (1947, 70).

5–8 These phrases, and the whole doctrine of the paragraph, provide a sharp contrast with Hobbes, *Leviathan*, chapter 18, revealing a systematic difference. It is difficult to believe that Locke had Hobbes in mind when he wrote it.

7 The apparent contradiction between the '*Supream Power*' here and in line 4 is explained by Lamprecht, 1918, 145, saying that 'the supremacy of the legislative is complete under one condition and disappears entirely under another condition'.

23–5 Compare II, § 129, 3–4.

28–9 See chapter XIX (§§ 211–43); compare II, § 132, note and references; § 157, 26.

§ 150 Compare II, § 132, 19–24, II, § 134; and on lines 1–2 compare II, § 153, 1–2 (taken by Bastide, 1907, 236, as typical of Locke's verbal inconsistencies).

needs be superiour to him: and since the Legislative is no otherwise Legislative of the Society, but by the right it has to make Laws for all the parts and for every Member of the Society, prescribing Rules to their actions, and giving power of Execution, where they are transgressed, the *Legislative* must needs be the *Supream*, and all other Powers in any Members or parts of the Society, derived from and subordinate to it.

151. In some Commonwealths where the *Legislative* is not always in being, and the *Executive* is vested in a single Person, who has also a share in the Legislative; there that single Person in a very tolerable sense may also be called *Supream*, not that he has in himself all the Supream Power, which is that of Law-making: But because he has in him the *Supream Execution*, from whom all inferiour Magistrates derive all their several subordinate Powers, or at least the greatest part of them: having also no Legislative superiour to him, there being no Law to be made without his consent, which cannot be expected should ever subject him to the other part of the Legislative, *he is* properly enough in this sense *Supream*. But yet it is to be observed, that though *Oaths of Allegiance* and Fealty are taken to him, 'tis not to him as Supream Legislator, but as *Supream Executor* of the Law, made by a joint Power of him with others; *Allegiance* being nothing but an *Obedience according to Law*, which when he violates, he has no right to Obedience, nor can claim it otherwise than as the publick Person vested with the Power of the Law, and so is to be consider'd as the Image, Phantom, or Representative of the Commonwealth, acted by the will of the Society, declared in its Laws; and thus he has no Will, no Power, but that of the Law. But when he quits this Representation, this publick Will, and acts by his own private Will, he degrades himself, and is but a single private Person without Power, and without Will, that has any Right to *Obedience*; the Members owing no *Obedience* but to the publick Will of the Society.

152. The *Executive Power* placed any where but in a Person, that has also a share in the Legislative, is visibly subordinate and accountable to it, and may be at pleasure changed and displaced;

§ 151 19, 22 'Representative' and 'Representation' are used in the technical, Hobbesian sense here—see Gierke, 1934, 82–3, though to antithetical purposes, which is typical of the relationship between the two men. Once again, Locke is clearly talking of the English monarchy, its rights and powers.

so that it is not the *supream Executive Power* that is exempt from *Subordination*, but the *Supream Executive Power* vested in one, who having a share in the Legislative, has no distinct superiour Legislative to be subordinate and accountable to, farther than he himself shall joyn and consent: so that he is no more subordinate than he himself shall think fit, which one may certainly conclude will be but very little. Of other *Ministerial* and *subordinate Powers* in a Commonwealth, we need not speak, they being so multiply'd with infinite variety, in the different Customs and Constitutions of distinct Commonwealths, that it is impossible to give a particular account of them all. Only thus much, which is necessary to our present purpose, we may take notice of concerning them, that they have no manner of Authority any of them, beyond what is, by positive Grant, and Commission, delegated to them, and are all of them accountable to some other Power in the Commonwealth.

153. It is not necessary, no nor so much as convenient, that the *Legislative* should be *always in being*. But absolutely necessary that the *Executive Power* should, because there is not always need of new Laws to be made, but always need of Execution of the Laws that are made. When the *Legislative* hath put the *Execution* of the Laws, they make, into other hands, they have a power still to resume it out of those hands, when they find cause, and to punish for any mall-administration against the Laws. The same holds also in regard of the *Federative* Power, that and the Executive being both *Ministerial and subordinate to the Legislative*, which as has been shew'd in a Constituted Commonwealth, is the Supream. The *Legislative* also in this Case being suppos'd to consist of several Persons (for if it be a single Person, it cannot but be always in being, and so will as Supream, naturally have the Supream Executive Power, together with the Legislative) may *assemble and exercise their Legislature*, at the times that either their original Constitution, or their own Adjournment appoints, or when they please; if neither of these hath appointed any time, or there be no other way prescribed to convoke them. For the supream Power being placed in them by the People, 'tis always

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§ 153 1–3 Compare II, § 144, 2–4.

16 '*Legislature*'—power of law-making: changed by Locke after 1698 from 'Legislative'; compare II, § 94, 24 and references.

in them, and they may exercise it when they please, unless by their original Constitution they are limited to certain Seasons, or by an Act of their Supream Power they have Adjourned to a certain time, and when that time comes, they have a right to *Assemble* and *act* again.

154. If the *Legislative*, or any part of it be made up of Representatives chosen for that time by the People, which afterwards return into the ordinary state of Subjects, and have no share in the Legislature but upon a new choice, this power of chusing must also be exercised by the People, either at certain appointed Seasons, or else when they are summon'd to it: and in this latter Case, the power of convoking the Legislative, is ordinarily placed in the Executive, and has one of these two limitations in respect of time: That either the Original Constitution requires their *assembling* and *acting* at certain intervals, and then the Executive Power does nothing but Ministerially issue directions for their Electing and Assembling, according to due Forms: Or else it is left to his Prudence to call them by new Elections, when the Occasions or Exigencies of the publick require the amendment of old, or making of new Laws, or the redress or prevention of any inconveniencies, that lie on, or threaten the People.

155. It may be demanded here, What if the Executive Power being possessed of the Force of the Commonwealth, shall make use of that force to hinder the *meeting* and *acting of the Legislative*, when the Original Constitution, or the publick Exigencies require it? I say using Force upon the People without Authority, and contrary to the Trust put in him, that does so, is a state of War with the People, who have a right to *reinstate* their *Legislative in the Exercise* of their Power. For having erected a Legislative, with an intent they should exercise the Power of making Laws, either at certain set times, or when there is need of it; when they are hindr'd by any force from, what is so necessary to the Society, and wherein the Safety and preservation of the People consists, the People have a right to remove it by force. In all States and Conditions the true remedy of *Force* without Authority, is to

§ 155 3 Compare II, § 215, 1, verbal parallel; see note on II, § 156 and references.
4 'Original Constitution'—see II, § 154, 9; § 156, 32; § 218, 1; the only instances of the use of Constitution in our sense: elsewhere it means an overriding law.
6, 16 '*state of War*'—see chapter III of *Second Treatise*.

oppose *Force* to it. The use of *force* without Authority, always puts him that uses it into a *ſtate of War*, as the Aggressor, and renders him liable to be treated accordingly.

156. The Power *of Aſſembling and diſmiſſing the Legiſlative*, placed in the Executive, gives not the Executive a superiority over it, but is a Fiduciary Truſt, placed in him, for the safety of the People, in a Case where the uncertainty, and variableness of humane affairs could not bear a steady fixed rule. For it not being possible, that the firſt Framers of the Government should, by any foresight, be so much Maſters of future Events, as to be able to prefix so juſt periods of return and duration to the *Aſſemblies of the Legiſlative*, in all times to come, that might exactly answer all the Exigencies of the Commonwealth; the beſt remedy could be found for this defect, was to truſt this to the prudence of one, who was always to be present, and whose business it was to watch over the publick good. Conſtant *frequent meetings of the Legiſlative*, and long Continuations of their Assemblies, without necessary occasion, could not but be burthensome to the People, and muſt necessarily in time produce more dangerous inconveniences, and yet the quick turn of affairs might be sometimes such as to need their present help: Any delay of their *Convening* might endanger the publick; and sometimes too their business might be so great, that the limited time of their sitting might be too short for their work, and rob the publick of that benefit, which could be had only from their mature deliberation. What then could be done, in this Case, to prevent the Community, from being exposed sometime or other to eminent hazard, on one side, or the other, by fixed intervals and periods, set to the *meeting and acting of the Legiſlative*, but to intruſt it to the prudence of some, who being present, and acquainted with the ſtate of publick affairs, might make use of this Prerogative for the publick good? And where else could this be so well placed as in his hands, who was intruſted with the Execution of the Laws, for the same end? Thus supposing the regulation of times for the *Aſſembling and Sitting of the Legiſlative*, not settled by the original Conſtitution, it naturally

§ 156 §§ 154 and 155 deal with the election and dissolution, this paragraph with the summoning and proroguing, of English parliaments. Locke seems to have in mind the repeated postponements, cancellations, failures to summon characteristic of Charles II and the first object of Shaftesbury's activities in opposition, especially during the Exclusion Controversy—see notes on II, §§ 167, 213, and Introduction, 55.

fell into the hands of the Executive, not as an Arbitrary Power depending on his good pleasure, but with this trust always to have it exercised only for the publick Weal, as the Occurrences of times and change of affairs might require. Whether *settled periods of their Convening*, or a *liberty* left to the Prince *for Convoking the Legislative*, or perhaps a mixture of both, hath the least inconvenience attending it, 'tis not my business here to inquire, but only to shew, that though the Executive Power may have the Prerogative of *Convoking* and *dissolving* such *Conventions of the Legislative*, yet it is not thereby superiour to it.

157. Things of this World are in so constant a Flux, that nothing remains long in the same State. Thus People, Riches, Trade, Power, change their Stations; flourishing mighty Cities come to ruine, and prove in time neglected desolate Corners, whilst other unfrequented places grow into populous Countries, fill'd with Wealth and Inhabitants. But things not always changing equally, and private interest often keeping up Customs and Priviledges, when the reasons of them are ceased, it often comes to pass, that in Governments, where part of the Legislative consists of *Representatives* chosen by the People, that in tract of time this *Representation* becomes very *unequal* and disproportionate to the reasons it was at first establish'd upon. To what gross absurdities the following of Custom, when Reason has left it, may lead, we may be satisfied when we see the bare Name of a Town, of which there remains not so much as the ruines, where scarce so much Housing as a Sheep-coat; or more Inhabitants than a Shepherd is to be found, sends *as many Representatives* to the grand Assembly of Law-makers, as a whole County numerous in People, and powerful in riches. This Strangers stand amazed at, and every one must confess needs a remedy. Though most think it hard to find

§ 157 The reform of the franchise and electoral districts was a part of the political programme of Shaftesbury and the Whigs under Charles II, who introduced a Bill on the subject in the first parliament which they controlled, that of March 1679; see Ogg, *Charles II*, 1955, II, 480–2. The scheme of reform attributed to Shaftesbury (*Somers Tracts*, 1812) included the disfranchisement of rotten boroughs like the one mentioned in lines 12–19. This was presumably Old Sarum, near Salisbury, well-known to Locke as the home of his friend David Thomas; see Introduction, 63. This paragraph, then, was most probably written as part of the original in 1679, though it could have been added in 1681. Sir James Fitzjames Stephen, 1892, 154–5, regards this as 'the oddest illustration of the fanciful character of the results to which Locke's abstract principles led him in relation to civil government'.

one, because the Constitution of the Legislative being the original and supream act of the Society, antecedent to all positive Laws in it, and depending wholly on the People, no inferiour Power can alter it. And therefore the *People*, when the *Legislative* is once Constituted, *having* in such a Government as we have been speaking of, *no Power* to act as long as the Government stands; this inconvenience is thought incapable of a remedy.

158. *Salus Populi Suprema Lex*, is certainly so just and fundamental a Rule, that he, who sincerely follows it, cannot dangerously err. If therefore the Executive, who has the power of Convoking the Legislative, observing rather the true proportion, than fashion of *Representation*, regulates, not by old custom, but true reason, the *number of Members*, in all places, that have a right to be distinctly represented, which no part of the People however incorporated can pretend to, but in proportion to the assistance, which it affords to the publick, it cannot be judg'd, to have set up a new Legislative, but to have restored the old and true one, and to have rectified the disorders, which succession of time had insensibly, as well as inevitably introduced. For it being the interest, as well as intention of the People, to have a fair and *equal Representative*; whoever brings it nearest to that, is an undoubted Friend, to, and Establisher of the Government, and cannot miss the Consent and Approbation of the Community. *Prerogative* being nothing, but a Power in the hands of the Prince to provide for the publick good, in such Cases, which depending upon unforeseen and uncertain Occurrences, certain and unalterable Laws could not safely direct, whatsoever shall be done manifestly for the good of the People, and the establishing the Government upon its true Foundations, is, and always will be just *Prerogative*. The Power of Erecting new Corporations, and therewith *new Representatives*, carries with it a supposition, that in time the

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§ 158 1–12 Locke, in solving the difficulty about electoral reform in accordance with that supreme law, the good of the people (§§ 157, 20–5; 158, 1), is dealing with a problem of his own making. Seliger, 1968, p. 365, takes a different view.

5 '*Representation*'—here used in its non-Hobbesian sense; compare note on II, § 151, 19, 22. Elrington, 1798, comments that Locke 'had no idea that he would be interpreted as attributing that power to the multitude', that Locke would have excluded from the suffrage those without property, that his remarks about proportioning representatives to districts obviate universal suffrage. This sentence and § 140 are cited by those who believe that Locke intended a definite restriction of the franchise, e.g. Seliger, 1963 (i). 16–17 Compare chapter XIV.

measures of representation might vary, and those places have a just right to be represented which before had none; and by the same reason, those cease to have a right, and be too inconsiderable for such a Priviledge, which before had it. 'Tis not a change from the present State, which perhaps Corruption, or decay has introduced, that makes an Inroad upon the Government, but the tendency of it to injure or oppress the People, and to set up one part, or Party, with a distinction from, and an unequal subjection of the rest. Whatsoever cannot but be acknowledged to be of advantage to the Society, and People in general, upon just and lasting measures, will always, when done, justifie it self; and whenever the People shall chuse their *Representatives upon* just and undeniably *equal measures* suitable to the original Frame of the Government, it cannot be doubted to be the will and act of the Society, whoever permitted, or caused them so to do.

CHAP. XIV.

Of PREROGATIVE.

159. WHere the Legislative and Executive Power are in distinct hands, (as they are in all moderated Monarchies, and well-framed Governments) there the good of the Society requires, that several things should be left to the discretion of him, that has the Executive Power. For the Legislators not being able to foresee, and provide, by Laws, for all, that may be useful to the Community, the Executor of the Laws, having the power in his hands, has by the common Law of Nature, a right to make use of it, for the good of the Society, in many Cases, where the municipal Law has given no direction, till the Legislative can conveniently be Assembled to provide for it. Many things there are, which the Law can by no means provide for, and those must

§ 159 *Chapter* XIV. In the editor's judgment this chapter belongs to Locke's original composition of 1679; compare note on II, § 149, chapter XIII. It may have been touched up in places in 1689, especially in the final paragraph, § 168, but Prof. K. H. D. Haley comments that Locke could hardly have written as he did of the discretionary power in § 161 after the controversy over James II's dispensations. This and the hints of Shaftesbury's quarrel with Charles II about the summoning of Parliament (see § 167) seem sufficient grounds for this dating.

necessarily be left to the discretion of him, that has the Executive Power in his hands, to be ordered by him, as the publick good and advantage shall require: nay, 'tis fit that the Laws themselves should in some Cases give way to the Executive Power, or rather to this Fundamental Law of Nature and Government, *viz.* That as much as may be, *all* the Members of the Society are to be *preserved.* For since many accidents may happen, wherein a ſtrict and rigid observation of the Laws may do harm; (as not to pull down an innocent Man's House to ſtop the Fire, when the next to it is burning) and a Man may come sometimes within the reach of the Law, which makes no diſtinction of Persons, by an action, that may deserve reward and pardon; 'tis fit, the Ruler should have a Power, in many Cases, to mitigate the severity of the Law, and pardon some Offenders: For the *end of Government* being the *preservation of all,* as much as may be, even the guilty are to be spared, where it can prove no prejudice to the innocent.

160. This Power to act according to discretion, for the publick good, without the prescription of the Law, and sometimes even againſt it, *is* that which is called *Prerogative.* For since in some Governments the Law-making Power is not always in being, and is usually too numerous, and so too slow, for the dispatch requisite to Execution: and because also it is impossible to foresee, and so by laws to provide for, all Accidents and Necessities, that may concern the publick; or to make such Laws, as will do no harm, if they are Executed with an inflexible rigour, on all occasions, and upon all Persons, that may come in their way, therefore there is a latitude left to the Executive power, to do many things of choice, which the Laws do not prescribe.

161. This power whilſt imployed for the benefit of the Community, and suitably to the truſt and ends of the Government, *is undoubted Prerogative,* and never is queſtioned. For the People are very seldom, or never scrupulous, or nice in the point: they are far from examining *Prerogative,* whilſt it is in any tolerable degree imploy'd for the use it was meant; that is, for the good of the People, and not manifeſtly againſt it. But if there comes to be a *queſtion* between the Executive Power and the People, *about* a thing claimed as a *Prerogative*; the tendency of the exercise of such *Prerogative* to the good or hurt of the People, will easily decide that Queſtion.

24–6 On a ruler's right to pardon, compare II, § 11, 6–8 and note.

162. It is easie to conceive, that in the Infancy of Governments, when Commonwealths differed little from Families in number of People, they differ'd from them too but little in number of Laws: And the Governours, being as the Fathers of them, watching over them for their good, the Government was almost all *Prerogative*. A few establish'd Laws served the turn, and the discretion and care of the Ruler supply'd the rest. But when mistake, or flattery prevailed with weak Princes to make use of this Power, for private ends of their own, and not for the publick good, the People were fain by express Laws to get Prerogative determin'd, in those points, wherein they found disadvantage from it: And thus declared *limitations of Prerogative* were by the People found necessary in Cases, which they and their Ancestors had left, in the utmost latitude, to the Wisdom of those Princes, who made no other but a right use of it, that is, for the good of their People.

163. And therefore they have a very wrong Notion of Government, who say, that the People have *incroach'd upon the Prerogative*, when they have got any part of it to be defined by positive Laws. For in so doing, they have not pulled from the Prince any thing, that of right belong'd to him, but only declared, that that Power which they indefinitely left in his, or his Ancestors, hands, to be exercised for their good, was not a thing, which they intended him, when he used it otherwise. For the end of government being the good of the Community, whatsoever alterations are made in it, tending to that end, cannot be an *incroachment* upon any body: since no body in Government can have a right tending to any other end. And those only are *incroachments* which prejudice or hinder the publick good. Those who say otherwise, speak as if the Prince had a distinct and separate Interest from the good of the Community, and was not made for it, the Root and Source, from which spring almost all those Evils, and Disorders, which happen in Kingly Governments. And indeed if that be so, the People under his Government are not a Society of Rational Creatures entred into a Community for their mutual good; they

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§ 162 1–4 Compare references in note on II, § 74, 14–37, Locke's concessions to patriarchalism. Pareyson compares Locke's discussion of prerogative with Filmer's (Laslett's edition, 105–6).

§ 163 19–23 Compare I, § 156 note and references.

are not such as have set Rulers over themselves, to guard, and promote that good; but are to be looked on as an Herd of inferiour Creatures, under the Dominion of a Master, who keeps them, and works them for his own Pleasure or Profit. If Men were so void of Reason, and brutish, as to enter into Society upon such Terms, *Prerogative* might indeed be, what some Men would have it, an Arbitrary Power to do things hurtful to the People.

164. But since a Rational Creature cannot be supposed when free, to put himself into Subjection to another, for his own harm: (Though where he finds a good and wise Ruler, he may not perhaps think it either necessary, or useful to set precise Bounds to his Power in all things) *Prerogative* can be nothing, but the Peoples permitting their Rulers, to do several things of their own free choice, where the Law was silent, and sometimes too against the direct Letter of the Law, for the publick good; and their acquiescing in it when so done. For as a good Prince, who is mindful of the trust put into his hands, and careful of the good of his People, cannot have too much *Prerogative*, that is, Power to do good: So a weak and ill Prince, who would claim that Power, which his Predecessors exercised without the direction of the Law, as a Prerogative belonging to him by Right of his Office, which he may exercise at his pleasure, to make or promote an Interest distinct from that of the publick, gives the People an occasion, to claim their Right, and limit that Power, which, whilst it was exercised for their good, they were content should be tacitly allowed.

165. And therefore he, that will look into the *History of England*, will find, that Prerogative was always *largest* in the hands of our wisest and best Princes: because the People observing the whole tendency of their Actions to be the publick good, contested not what was done without Law to that end; or if any humane frailty or mistake (for Princes are but Men, made as others) appear'd in some small declinations from that end; yet 'twas visible, the main of their Conduct tended to nothing but the care of the publick. The People therefore finding reason to be satisfied with these Princes, whenever they acted without or contrary to the Letter of the Law, acquiesced in what they did, and, without the least complaint, let them inlarge their *Prerogative* as they pleased, judging rightly, that they did nothing herein to the prejudice of

their Laws, since they acted conformable to the Foundation and End of all Laws, the publick good.

166. Such God-like Princes indeed had some Title to Arbitrary Power, by that Argument, that would prove Absolute Monarchy the best Government, as that which God himself governs the Universe by: because such Kings partake of his Wisdom and Goodness. Upon this is founded that saying, That the Reigns of good Princes have been always most dangerous to the Liberties of their People. For when their Successors, managing the Government with different Thoughts, would draw the Actions of those good Rulers into Precedent, and make them the Standard of their *Prerogative*, as if what had been done only for the good of the People, was a right in them to do, for the harm of the People, if they so pleased; it has often occasioned Contest, and sometimes publick Disorders, before the People could recover their original Right, and get that to be declared not to be *Prerogative*, which truly was never so: Since it is impossible, that any body in the Society should ever have a right to do the People harm; though it be very possible, and reasonable, that the People should not go about to set any Bounds to the *Prerogative* of those Kings or Rulers, who themselves transgressed not the Bounds of the publick good. For *Prerogative is nothing but the Power of doing publick good without a Rule.*

167. The Power of *calling Parliaments* in *England*, as to precise time, place, and duration, is certainly a *Prerogative* of the King, but still with this trust, that it shall be made use of for the good of the Nation, as the Exigencies of the Times, and variety of Occasions shall require. For it being impossible to forsee, which should always be the fittest place for them to assemble in, and what the best Season; the choice of these was left with the Executive Power, as might be most subservient to the publick good, and best suit the ends of Parliaments.

§ 166 1 Compare note on II, § 42, 21–8, verbal parallel.

§ 167 This overt mention of the constitution of England, clearly in Locke's mind throughout (compare II, § 143, 15–21, note and references), especially in reference to the summoning of Parliament (see note on II, § 149, chapter XIII), conceivably refers to the situation of late 1680–early 1681. Charles II then exercised his prerogative right to call parliament where he wished (see line 1) and summoned it at Oxford as a move against Shaftesbury and his Exclusionists: on Locke and the Oxford Parliament, see Introduction, 31.

168. The old Question will be asked in this matter of *Prerogative*, But *who shall be Judge* when this Power is made a right use of? I Answer: Between an Executive Power in being, with such a Prerogative, and a Legislative that depends upon his will for their convening, there can be no *Judge on Earth*: As there can be none, between the Legislative, and the People, should either the Executive, or the Legislative, when they have got the Power in their hands, design, or go about to enslave, or destroy them. The People have no other remedy in this, as in all other cases where they have no Judge on Earth, but to *appeal to Heaven*. For the Rulers, in such attempts, exercising a Power the People never put into their hands (who can never be supposed to consent, that any body should rule over them for their harm) do that, which they have not a right to do. And where the Body of the People, or any single Man, is deprived of their Right, or is under the Exercise of a power without right, and have no Appeal on Earth, there they have a liberty to appeal to Heaven, whenever they judge the Cause of sufficient moment. And therefore, tho' the *People* cannot be *Judge*, so as to have by the Constitution of that Society any Superiour power, to determine and give effective

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§ 168 1–2 'The old Question . . . *who shall be Judge?*'—a question fundamental to the *Second Treatise*, see §§ 13, 19, 20, 89, 93, 125, 131, 136, 181, 240, 241, and compare the references to Jephthah in note on II, § 21, 17. The question is raised in a very similar form in the *Epistola de Tolerantia*: if the magistrate and the subjects disagree 'quis erit inter eos judex? Resp. solus Deus: qui inter legislatorem et populum nullus in terris est judex' (Klibansky and Gough, 1968, 128: in the translation 'legislatorem' becomes 'supreme magistrate').

McIlwain, 1935, suggests that Locke was recalling here the doctrine of Hunton's *Treatise of Monarchie*, 1643, for he also asks again and again 'Who shall be the judge of the excesses of the sovereign lord in monarchies of this composure?'. His conclusion is: 'There can be no judge legal and constituted within that frame of government...an Appeale must be made *ad conscientiam generis humani*....The fundamentall Lawes of that Monarchy must judge and pronounce sentence in every man's conscience.' Hunton, it will be seen, was talking of a particular form of government, a mixed monarchy, whereas Locke seems to be talking of all possible forms of government. Hunton's appeal is to everyone's conscience, which Filmer triumphantly pronounced as plain anarchy, whilst Locke's final appeal is to God, though he does occasionally talk of conscience in this connection (see II, § 21, 23). He possessed Hunton's book (H. and L. 2013), and he may have been influenced by him. It seems much more likely, however, that it was Filmer's criticism of Hunton (see, for example, Laslett's edition, 294–5) which was in question and shows that the paragraph belongs to 1679. In II, § 240, Locke contradicts what is said here in line 5; see Polin, 1960, 225.

15 'any single Man'—Locke at his most anarchistic; see Kendall, 1941, 89, and Strauss, 1953, 237.

Sentence in the case; yet they have, by a Law antecedent and paramount to all positive Laws of men, reserv'd that ultimate Determination to themselves, which belongs to all Mankind, where there lies no Appeal on Earth, *viz.* to judge whether they have just Cause to make their Appeal to Heaven. And this Judgment they cannot part with, it being out of a Man's power so to submit himself to another, as to give him a liberty to destroy him; God and Nature never allowing a Man so to abandon himself, as to neglect his own preservation: And since he cannot take away his own Life, neither can he give another power to take it. Nor let any one think, this lays a perpetual foundation for Disorder: for this operates not, till the Inconvenience is so great, that the Majority feel it, and are weary of it, and find a necessity to have it amended. But this the Executive Power, or wise Princes, never need come in the danger of: And 'tis the thing of all others, they have most need to avoid, as of all others the most perilous.

CHAP. XV.

Of Paternal, Political, and Despotical Power, considered together.

169. THough I have had occasion to speak of these separately before, yet the great mistakes of late about Government, having, as I suppose, arisen from confounding these distinct Powers one with another, it may not, perhaps, be amiss, to consider them here together.

§ 169 *Chapter* XV This chapter is very similar to chapter IX; see note on II, § 123. It is repetitive and recapitulatory, it uses the general argument to reflect upon James II (see note on II, § 172, 10–19), it recalls II, §§ 2, 3, the introductory paragraphs clearly written in 1689 (see for instance, § 169 and § 171, 1–5). It has every indication of having been written in 1689 and it is interesting to see Locke, especially in § 174, linking his controversy with Filmer and his theory of property, with the political situation immediately after the Revolution.

170. *First* then, *Paternal* or *Parental Power* is nothing but that, which Parents have over their Children, to govern them for the Childrens good, till they come to the use of Reason, or a State of Knowledge, wherein they may be supposed capable to understand that Rule, whether it be the Law of Nature, or the municipal Law of their Country they are to govern themselves by: Capable, I say, to know it, as well as several others, who live, as Free-men, under that Law. The Affection and Tenderness, which God hath planted in the Breasts of Parents, towards their Children, makes it evident, that this is not intended to be a severe Arbitrary Government, but only for the Help, Instruction, and Preservation of their Off-spring. But happen it as it will, there is, as I have proved, no reason, why it should be thought, to extend to Life and Death, at any time, over their Children, more than over any body else, neither can there be any pretence why this parental power should keep the Child, when grown to a Man, in subjection to the Will of his Parents any farther, than the having received Life and Education from his Parents, obliges him to respect, Honour, Gratitude, Assistance, and Support all his Life to both Father and Mother. And thus, 'tis true, the *Paternal* is a natural *Government*, but not at all extending it self to the Ends, and Jurisdictions of that which is Political. The *Power of the Father doth not reach* at all to the *Property* of the Child, which is only in his own disposing.

171. *Secondly*, *Political Power* is that Power which every Man, having in the State of Nature, has given up into the hands of the Society, and therein to the Governours, whom the Society hath set over it self, with this express or tacit Trust, That it shall be imployed for their good, and the preservation of their Property: Now this *Power*, which every Man has *in the State of Nature*, and which he parts with to the Society, in all such cases, where the Society can secure him, is, to use such means for the preserving

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§ 170 This paragraph was corrected in detail by Locke in the Christ's copy, see Collation in Second Edition (repr. 1988): in rewriting lines 15–17 he omits a statement about 'the perfect use of Reason' and the attainment of manhood.

1 See II, § 69, 1, note and references, and on this paragraph as a whole compare chapter VI of the *Second Treatise* (§§ 52–76).

18 'Education', etc.—see note on II, § 58.

23 '*Property* of the Child'—see note on II, § 65, 17–24.

§ 171 1–5 Compare II, § 3, note and references.

of his own Property, as he thinks good, and Nature allows him; and to punish the Breach of the Law of Nature in others so, as (according to the best of his Reason) may most conduce to the preservation of himself, and the rest of Mankind. So that the *end and measure of this Power*, when in every Man's hands in the State of Nature, being the preservation of all of his Society, that is, all Mankind in general, it can have no other *end or measure*, when in the hands of the Magistrate, but to preserve the Members of that Society in their Lives, Liberties, and Possessions; and so cannot be an Absolute, Arbitrary Power over their Lives and Fortunes, which are as much as possible to be preserved; but a *Power to make Laws*, and annex such *Penalties* to them, as may tend to the preservation of the whole, by cutting off those Parts, and those only, which are so corrupt, that they threaten the sound and healthy, without which no severity is lawful. And this *Power has its Original only from Compact* and Agreement, and the mutual Consent of those who make up the Community.

172. *Thirdly, Despotical Power* is an Absolute, Arbitrary Power one Man has over another, to take away his Life, whenever he pleases. This is a Power, which neither Nature gives, for it has made no such distinction between one Man and another; nor Compact can convey, for Man not having such an Arbitrary Power over his own Life, cannot give another Man such a Power over it; but it is *the effect only of Forfeiture*, which the Aggressor makes

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17 Compare II, § 87, 5, note and references, and II, §§ 87–9 on the whole paragraph.

§ 172 9–19 This passage was rewritten and extended in the margin of the Christ's copy, printed in the editions of Locke's lifetime. The effect is to give greater emphasis and to strengthen the implication that a despot, a king for instance who uses force against his people, is a 'wild beast, or noxious brute': compare the ferocious quotation from Livy added to the title page in the Christ's copy at the time these corrections were made.

Even in the original version, this seems to be a clear reference to James II and his activities, in very hostile, even spiteful terms, which is one of the indications that this paragraph and the whole chapter were an insertion of 1689; see note on II, § 169, chapter XV. There are many similar statements throughout the *Second Treatise*: compare § 10, 2–5; § 11, 24–6 (verbal parallel); § 16, 4–8 (verbal parallel); § 181, 16–20 (verbal parallel); § 182, 21; § 230, 35–7; and it is possible that some of these were likewise put in or touched up in 1689. But the sentiment is very close to the description of the subjects of absolute monarchies as herds of animals (see I, § 156, note and references) and both arise quite naturally from Locke's general theory; see Introduction, 95. Taken together they seem to express Locke's way of describing despotism, emphasized and sharpened in 1689, and again here in the later 1690s.

of his own Life, when he puts himself into the State of War with another. For having quitted Reason, which God hath given to be the Rule betwixt Man and Man, and the common bond whereby humane kind is united into one fellowship and societie; and having renounced the way of peace, which that teaches, and made use of the Force of War to compasse his unjust ends upon an other, where he has no right, and so revolting from his own kind to that of Beasts by making Force which is theirs, to be his rule of right, he renders himself liable to be destroied by the injur'd person and the rest of mankind, that will joyn with him in the execution of Justice, as any other wild beast, or noxious brute †with whom Mankind can have neither Society nor Security†. And thus *Captives*, taken in a just and lawful War, and such only, are *subject to a Despotical Power*, which as it arises not from Compact, so neither is it capable of any, but is the State of War continued. For what Compact can be made with a Man that is not Master of his own Life? What Condition can he perform? And if he be once allowed to be Master of his own Life, the *Despotical, Arbitrary Power* of his Master ceases. He that is Master of himself, and his own Life, has a right too to the means of preserving it, so that *as soon as Compact enters, Slavery ceases*, and he so far quits his Absolute Power, and puts an end to the State of War, who enters into Conditions with his Captive.

† that is destructive to their being.†

173. *Nature gives* the first of these, *viz. Paternal Power to Parents* for the Benefit of their Children during their Minority, to supply their want of Ability, and understanding how to manage their Property. (By *Property* I must be understood here, as in other places, to mean that Property which Men have in their Persons as well as Goods.) *Voluntary Agreement gives* the second, *viz. Political Power to Governours* for the Benefit of their Subjects, to secure them in the Possession and Use of their Properties. And

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19 *Alternative Reading.* For its authenticity and status, see Collation: it was apparently an afterthought of Locke's, who seems to have decided to revert to the original reading, and is critical to the relationship of the two master copies and the texts which follow them; see Editorial Note.

§ 173 4–6 Compare II, § 87, 5 note and references. 5 Compare II, § 27, 2. 8–10 Compare II, § 138 and Cicero, *ejus* (sc. of society) *autem vinculum est ratio et oratio.*

Forfeiture gives the third, *Despotical power to Lords* for their own Benefit, over those who are stripp'd of all property.

174. He, that shall consider the distinct rise and extent, and the different ends of these several powers, will plainly see, that *paternal Power* comes as far short of that of the *Magistrate*, as *Despotical* exceeds it; and that *Absolute Dominion*, however placed, is so far from being one kind of Civil Society, that it is as inconsistent with it, as Slavery is with Property. *Paternal Power* is only where Minority makes the Child incapable to manage his property; *Political* where Men have Property in their own disposal; and *Despotical* over such as have no property at all.

CHAP. XVI.

Of CONQUEST.

175. THough Governments can originally have no other Rise than that before mentioned, nor *Polities* be *founded* on any thing but *the Consent of the People*; yet such has been the Disorders Ambition has fill'd the World with, that in the noise of War, which makes so great a part of the History of Mankind,

§ 175 *Chapter* XVI This chapter cannot be dated with any certainty, nevertheless in the editor's opinion it belongs to the early stages of composition and was probably written in 1681 or 1682; compare Martyn Thompson, 1976. Though it is connected with the rest of the text (see the cross-reference in II, § 112, 15–17) the relationship is with the assumed 1681 addition (§§ 100–23; see note on § 100 and on § 95, chapter VIII). Like chapters IX and XV it is recapitulatory, and like them it leads to a reflection on the origin, rights and powers of a monarchy which can only be English. It may then be pronounced an insertion, but there is some doubt whether it was an insertion of 1681 or of 1689. Goldie, 1977, demonstrates that the conquest argument was used on the traditionalist side in 1688–90. But there was an earlier exchange over the Norman Conquest in 1681 and 1682; see Pocock, 1957, chapter VII, 'The Brady Controversy'. This chapter, then, may be regarded as Locke's comment on this conquest controversy in terms of his political theory, perhaps extended and amended in 1689, though in ways not now recovered.

6–8 It is not quite clear who were the many who reckoned 'Conquest as one of

this *Consent* is little taken notice of: And therefore many have mistaken the force of Arms, for the consent of the People; and reckon Conquest as one of the Originals of Government. But *Conquest* is as far from setting up any Government, as demolishing an House is from building a new one in the place. Indeed it often makes way for a new Frame of a Common-wealth, by destroying the former; but, without the Consent of the people, can never erect a new one.

176. That the *Aggressor*, who puts himself into the state of War with another, and *unjustly invades* another Man's right, *can*, by such an unjust War, *never* come to *have a right over the Conquered*, will be easily agreed by all Men, who will not think, that Robbers and Pyrates have a Right of Empire over whomsoever they have Force enough to master; or that Men are bound by promises, which unlawful Force extorts from them. Should a Robber break into my House, and with a Dagger at my Throat, make me seal Deeds to convey my Estate to him, would this give him any Title? Just such a Title by his Sword, has an *unjust Conquerour*, who forces me into Submission. The Injury and the Crime is equal, whether committed by the wearer of a Crown, or some petty Villain. The Title of the Offender, and the Number of

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the Originals of Government'. As Pocock has pointed out (1957, see especially 53–4, 148–50; compare Zagorin, 1954, 67–70), the English populist writers of the seventeenth century, including Milton, Locke and Sidney, all wrote as if the defenders of kingship and absolutism had argued from conquest, but in fact they did not. Filmer never used the argument, in anything like the form in which Locke attacked it, though his defender against Sidney, Edmund Bohun, finally approved of the justification of William III as a conqueror in 1688 as a way of settling Tory doubts (Bohun, *Diary*, 1853, 67, 101–13). Grotius is the only one of the great natural lawyers who even approached the position which Locke demolishes (*De Jure Belli*, III, viii, 8). There remains Hobbes, who assimilates patriarchal and despotic government as both based on force and presumably in some cases conquest as Locke discusses it, and sets it up as an alternative to his 'Commonwealth by Institution' (*Leviathan*, chapters 19, 20): he also talks of William I as a conqueror and of his successors exercising his right by conquest, in his *Dialogue of the Common Laws* and *Behemoth*. Goldie, 1977, makes it clear that Grotius was used by the conquest theorists in 1688–9, and it is possible, though not likely, that Locke had their case exclusively in mind.

§ 176 7–10 Compare II, § 186, 15–21, where the dagger becomes a 'Pistol at my breast'. Molyneux, 1698, in paraphrasing this passage seems to have conflated the two contexts (1720, 16). Hobbes believed that 'Covenants extorted by feare are valide' (1904, 94), but here and in this chapter Locke may be re-echoing Pufendorf (see especially 1672, VII, vii, 3), who in turn comments on Grotius, 1625, II, 3, 4.

his Followers make no difference in the Offence, unless it be to aggravate it. The only difference is, Great Robbers punish little ones, to keep them in their Obedience, but the great ones are rewarded with Laurels and Triumphs, because they are too big for the weak hands of Justice in this World, and have the power in their own possession, which should punish Offenders. What is my Remedy against a Robber, that so broke into my House? *Appeal* to the Law for Justice. But perhaps Justice is denied, or I am crippled and cannot stir, robbed and have not the means to do it. If God has taken away all means of seeking remedy, there is nothing left but patience. But my Son, when able, may seek the Relief of the Law, which I am denied: He or his Son may renew his *Appeal*, till he recover his Right. But the Conquered, or their Children, have no Court, no Arbitrator on Earth to appeal to. Then they may *appeal*, as *Jephtha* did, *to Heaven*, and repeat their *Appeal*, till they have recovered the native Right of their Ancestors, which was to have such a Legislative over them, as the Majority should approve, and freely acquiesce in. If it be objected, this would cause endless trouble; I answer, No more than Justice does, where she lies open to all that appeal to her. He that troubles his Neighbour without a Cause, is punished for it by the Justice of the Court he appeals to. And he that *appeals to Heaven*, must be sure he has Right on his side; and a Right too that is worth the Trouble and Cost of the Appeal, as he will answer at a Tribunal, that cannot be deceived, and will be sure to retribute to every one according to the Mischiefs he hath created to his Fellow-Subjects; that is, any part of Mankind. From whence 'tis plain, that he that *Conquers in an unjust War, can* thereby *have no Title to the Subjection and Obedience of the Conquered.*

177. But supposing Victory favours the right side, let us consider a *Conquerour in a lawful War*, and see what power he gets, and over whom.

First, 'Tis plain he *gets no Power* by his Conquest *over those that Conquered with him.* They that fought on his side cannot suffer by

28 *'Jephtha'*—see note on II, § 21, 17 and references.

§ 177 Molyneux, 1698, summarizes this paragraph: he quotes verbatim from lines 4–7, and uses phrases from lines 23–6; 1720, 16.

1–11 Compare Tyrrell, 1681, 85: 'Though some Governments have begun by Conquest', yet those who fought with the conquerors 'had no obligation to serve them, but from their own agreements which included a share of the conquests'.

the Conquest, but must at least be as much Freemen as they were before. And most commonly they serve upon Terms, and on Condition to share with their Leader, and enjoy a part of the Spoil, and other Advantages that attend the Conquering Sword: or at least have a part of the subdued Country bestowed upon them. And *the Conquering People are not*, I hope, to be *Slaves by Conquest*, and wear their Laurels only to shew they are Sacrifices to their Leaders Triumph. They that found Absolute Monarchy upon the Title of the Sword, make their Heroes, who are the Founders of such Monarchies, arrant *Draw-can-Sirs*, and forget they had any Officers and Soldiers that fought on their side in the Battles they won, or assisted them in the subduing, or shared in possessing the Countries they Master'd. We are told by some, that the *English* Monarchy is founded in the *Norman* Conquest, and that our Princes have thereby a Title to absolute Dominion: Which if it were true, (as by the History it appears otherwise) and that *William* had a right to make War on this Island; yet his Dominion by Conquest could reach no farther, than to the *Saxons* and *Britains* that were then Inhabitants of this Country. The *Normans* that came with him, and helped to Conquer, and all descended from them are Freemen and no Subjects by Conquest; let that give what Dominion it will. And if I, or any Body else, shall claim freedom, as derived from them, it will be very hard to prove the contrary: And 'tis plain, the Law that has made no distinction between the one and the other, intends not there should be any difference in their Freedom or Priviledges.

178. But supposing, which seldom happens, that the Conquerers and Conquered never incorporate into one People, under the same Laws and Freedom. Let us see next *what Power a lawful Conquerer has over the Subdued*; and that I say is purely Despotical. He has an Absolute Power over the Lives of those, who by an Unjust War have forfeited them; but not over the

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15 '*Draw-can-Sirs*'—characters who kill off everybody on all sides, a proverbial phrase from the Duke of Buckingham's play *The Rehearsal*, composed 1663/4, performed 1671 and often afterwards.

19–24 This is the only mention of the Norman Conquest—see note on II, § 175 (chapter XVI): the 'some' who made it the foundation of the English monarchy are discussed in the note to II, § 175, 6–8.

§ 178 5–6 Compare II, § 23, 9–13, and note on II, § 24, 1–8—Locke on slavery. Molyneux, 1698, paraphrases the two passages; 1720, 18.

Lives or Fortunes of those, who ingaged not in the War, nor over the Possessions even of those, who were actually engaged in it.

179. *Secondly*, I say then the *Conquerour* gets no Power but only over those, who have actually assisted, concurr'd, or consented to that unjust force, that is used against him. For the People having given to their Governours no Power to do an unjust thing, such as is to make an unjust War, (for they never had such a Power in themselves:) They ought not to be charged, as guilty of the Violence and Unjustice that is committed in an Unjust War, any farther, than they actually abet it; no more, than they are to be thought guilty of any Violence or Oppression their Governours should use upon the People themselves, or any part of their Fellow Subjects, they having impowered them no more to the one, than to the other. Conquerours, 'tis true, seldom trouble themselves to make the distinction, but they willingly permit the confusion of War to sweep altogether; but yet this alters not the Right: For the Conquerours Power over the Lives of the Conquered, being only because they have used force to do, or maintain an Injustice, he can have that power only over those, who have concurred in that force, all the rest are innocent; and he has no more Title over the People of that Country, who have done him no Injury, and so have made no forfeiture of their Lives, than he has over any other, who, without any injuries or provocations, have lived upon fair terms with him.

180. *Thirdly*, The *power a Conquerour gets* over those he overcomes *in a Just War, is perfectly Despotical*: he has an absolute power over the Lives of those, who by putting themselves in a State of War, have forfeited them; but he has not thereby a Right and Title to their Possessions. This I doubt not, but at first sight will seem a strange Doctrine, it being so quite contrary to the practice of the World; There being nothing more familiar in speaking of the Dominion of Countries, than to say, such an one Conquer'd it. As if Conquest, without any more ado, convey'd a right of Possession. But when we consider, that the practice of the strong and powerful, how universal soever it may be, is seldom the rule of Right, however it be one part of the subjection of the Conquered, not to argue against the Conditions, cut out to them by the Conquering Sword.

181. Though in all War there be usually a complication of force and damage, and the Aggressor seldom fails to harm the Estate, when he uses force against the Persons of those he makes War upon; yet 'tis the use of Force only, that puts a Man into the State of War. For whether by force he begins the injury, or else having quietly, and by fraud, done the injury, he refuses to make reparation, and by force maintains it, (which is the same thing as at first to have done it by force) 'tis the unjust use of force that makes the War. For he that breaks open my House, and violently turns me out of Doors; or having peaceably got in, by force keeps me out, does in effect the same thing; supposing we are in such a State, that we have no common Judge on Earth, whom I may appeal to, and to whom we are both obliged to submit: For of such I am now speaking. 'Tis the *unjust use of force* then, that *puts a Man into the State of War* with another, and thereby he, that is guilty of it, makes a forfeiture of his Life. For quitting reason, which is the rule given between Man and Man, and using force the way of Beasts, he becomes liable to be destroyed by him he uses force against, as any savage ravenous Beast, that is dangerous to his being.

182. But because the miscarriages of the Father are no faults of the Children, and they may be rational and peaceable, notwithstanding the brutishness and injustice of the Father; the Father, by his miscarriages and violence, can forfeit but his own Life, but involves not his Children in his guilt or destruction. His goods, which Nature, that willeth the preservation of all Mankind as much as is possible, hath made to belong to the Children to keep them from perishing, do still continue to belong to his Children. For supposing them not to have joyn'd in the War, either through Infancy, absence, or choice, they have done nothing

§ 181 The French version (1691, etc., see Introduction, 12) differs more widely from the English in this paragraph than elsewhere, though the variations, which may have had Locke's approval, do not alter the sense.

12 'no common Judge on Earth'—compare note on II, § 168, 1–2 and references.

16–20 See note on II, § 172, 10–19 and references. Molyneux, 1698, after copying a phrase from II, § 178, 5, paraphrases this paragraph to this point, then reproduces these final phrases almost exactly; 1720, 18–19.

§ 182 1–9 See I, § 89 on, and II, § 72 on, for Locke's general account of children's rights in the property of their fathers and compare Molyneux (1698), 1720, 19 and 21.

to forfeit them: *nor has the Conqueror any right* to take them away, by the bare title of having subdued him, that by force attempted his destruction; though perhaps he may have some right to them, to repair the damages he has sustained by the War, and the defence of his own right, which how far it reaches to the possessions of the Conquered, we shall see by and by. So that he that *by Conquest has a right over a Man's Person* to destroy him if he pleases, has *not* thereby a right *over his Estate* to possess and enjoy it. For it is the brutal force the Aggressor has used, that gives his Adversary a right to take away his Life, and destroy him if he pleases, as a noxious Creature; but 'tis damage sustain'd that alone gives him Title to another Mans Goods: For though I may kill a Thief that sets on me in the Highway, yet I may not (which seems less) take away his Money and let him go; this would be Robbery on my side. His force, and the state of War he put himself in, made him forfeit his Life, but gave me no Title to his Goods. The *right* then *of Conquest extends only to the Lives* of those who joyn'd in the War, *not to their Estates*, but only in order to make reparation for the damages received, and the Charges of the War, and that too with reservation of the right of the innocent Wife and Children.

183. Let the *Conqueror* have as much Justice on his side, as could be supposed, he *has* no *right* to seize more than the vanquished could forfeit; his Life is at the Victors Mercy, and his Service and Goods he may appropriate to make himself reparation; but he cannot take the Goods of his Wife and Children; they too had a Title to the Goods he enjoy'd, and their shares in the Estate he possessed. For Example, I in the state of Nature (and all Commonwealths are in the state of Nature one with another) have injured another Man, and refusing to give satisfaction, it comes to a state of War, wherein my defending by force, what I had gotten unjustly, makes me the Aggressor. I am Conquered: My Life, 'tis true, as forfeit, is at mercy, but not my Wives and Childrens. They made not the War, nor assisted in it. I could not forfeit their Lives, they were not mine to forfeit. My wife had a share in my Estate, that neither could I forfeit. And my Children also, being born of me, had a right to be maintained out of my

21 See II, § 172, 10–19, note and references.
22–7 See II, §§ 18; 19; 176, 7–10 and note.
§ 183 7–8 See II, § 141, 8, notes and references.

labour or Substance. Here then is the Case; The Conqueror has a Title to Reparation for Damages received, and the Children have a Title to their Father's Estate for their Subsistence. For as to the Wife's share, whether her own Labour or Compact gave her a Title to it, 'tis plain, Her Husband could not forfeit what was hers. What must be done in the case? I answer; The Fundamental Law of Nature being, that all, as much as may be, should be preserved, it follows, that if there be not enough fully to *satisfy* both, *viz.* for the *Conqueror's Losses*, and Childrens Maintenance, he that hath, and to spare, must remit something of his full Satisfaction, and give way to the pressing and preferable Title of those, who are in danger to perish without it.

184. But supposing the *Charge* and *Damages of the War* are to be made up to the Conqueror, to the utmost Farthing, and that the Children of the vanquished, spoiled of all their Father's Goods, are to be left to starve and perish: yet the satisfying of what shall on this score, be due to the Conqueror, will scarce give him a *Title to any Countrey he shall Conquer*. For the Damages of War can scarce amount to the value of any considerable *Tract of Land*, in any part of the World, where all the Land is possessed, and none lies waste. And if I have not taken away the Conqueror's Land, which, being vanquished, it is impossible I should; scarce any other spoil I have done him, can amount to the value of mine, supposing it equally cultivated and of an extent any way coming near, what I had over run of his. The destruction of a Years Product or two, (for it seldom reaches four or five) is the utmost spoil, that usually can be done. For as to Money, and such Riches and Treasure taken away, these are none of Natures Goods, they have but a Phantastical imaginary value: Nature has put no such upon them: They are of no more account by her standard, than the Wampompeke of the *Americans* to an *European* Prince, or the Silver Money of *Europe* would have been formerly to an *American*. And five years Product is not worth the perpetual Inheritance of *Land*, where all is possessed, and none remains waste to be taken up by him, that is disseiz'd: Which will be easily granted, if one do but take away the imaginary value of Money, the dis-

§ 184 15–18 Compare II, § 46, 5–7, note and references.

19 'Wampompeke'—wampum; vocal equivalent of 'wampumpeag', bead money of the Algonkin Indians.

proportion being more, than between five and five hundred. Though, at the same time, half a years product is more worth than the Inheritance, where there being more *Land*, than the Inhabitants possess, and make use of, any one has liberty to make use of the waste: But there Conquerers take little care to possess themselves of the *Lands of the Vanquished*. No damage therefore, that Men in the State of Nature (as all Princes and Governments are in reference to one another) suffer from one another, can give a Conqueror Power, to dispossess the Posterity of the Vanquished, and turn them out of their Inheritance, which ought to be the Possession of them and their Descendants to all Generations. The Conquerour indeed will be apt to think himself Master: And 'tis the very condition of the subdued not to be able to dispute their Right. But if that be all, it gives no other Title than what bare Force gives to the stronger over the weaker. And, by this reason, he that is strongest will have a right to whatever he pleases to seize on.

185. Over those then, that joined with him in the War, and over those of the subdued Countrey that opposed him not, and the Posterity even of those that did, the Conqueror, even in a just War, hath, *by* his *Conquest*, *no right of Dominion*: They are free from any subjection to him, and if their former Government be dissolved, they are at liberty to begin and erect another to themselves.

186. The Conquerour, 'tis true, usually, by the Force he has over them, compels them, with a Sword at their Breasts, to stoop to his Conditions, and submit to such a Government as he pleases to afford them; but the enquiry is, What right he has to do so? If it be said, they submit by their own consent; then this allows their own *consent* to be *necessary to give the Conquerour a Title to rule* over them. It remains only to be considered, whether *Promises*, *extorted by Force*, without Right, can be thought Consent, and *how far they bind*. To which I shall say, they *bind not at all*; because

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25 'five hundred'—'five thousand' in the 1st edition. The disproportion is between the value of five years product and the value of the land in perpetuity. Compare chapter v, especially § 40 on, and note on § 45, 20–2.

31–2 Compare II, §§ 183, 7–8; 14, 3–8, note and references.

§ 186 Molyneux, 1698, reproduces this paragraph almost in full: he follows Locke's exact words in lines 2–8, 12–14, 17–19. See II, § 176, 7–10 and references.

whatsoever another gets from me by force, I ſtill retain the Right of, and he is obliged presently to reſtore. He that forces my Horse from me, ought presently to reſtore him, and I have ſtill a right to retake him. By the same reason, he that *forced a Promise* from me, ought presently to reſtore it, *i.e.* quit me of the Obligation of it; or I may resume it my self, *i.e.* chuse whether I will perform it. For the Law of Nature laying an Obligation on me, only by the Rules she prescribes, cannot oblige me by the violation of her Rules: Such is the extorting any thing from me by force. Nor does it at all alter the case, to say I *gave my Promise*, no more than it excuses the force, and passes the Rig t, when I put my Hand in my Pocket, and deliver my Purse my self to a Thief, who demands it with a Piſtol at my Breaſt.

187. From all which it follows, that the *Government of a Conquerour*, imposed, by force, on the Subdued, againſt whom he had no right of War, or who joyned not in the War againſt him, where he had right, *has no Obligation* upon them.

188. But let us suppose that all the Men of that Community being all Members of the same Body Politick, may be taken to have joyn'd in that unjuſt War, wherein they are subdued, and so their Lives are at the Mercy of the Conquerour.

189. I say, this concerns not their Children, who are in their Minority. For since a Father hath not, in himself, a Power over the Life or Liberty of his Child; no act of his can possibly forfeit it: So that the Children, whatever may have happened to the Fathers, are Free-men, and the Absolute Power of the *Conquerour* reaches no farther than the Persons of the Men, that were subdued by him, and dies with them; and should he Govern them as Slaves, subjected to his Absolute, Arbitrary Power, he *has no* such *Right of Dominion over their Children*. He can have no Power over them, but by their own consent, whatever he may drive them to say, or do; and he has no lawful Authority, whilſt Force, and not Choice, compels them to submission.

190. Every Man is born with a double Right: *Firſt*, *A Right of Freedom to his Person*, which no other Man has a Power over, but

§§ 189, 190, 191 Here Locke returns to first principles; see I, § 88 on for inheritance, II, § 4 for natural freedom, now coupled with inheritance, and II, §§ 72, 73 and 116 for natural freedom from subjection to any government.

the free Disposal of it lies in himself. *Secondly*, *A Right*, before any other Man, to *inherit*, with his Brethren, his Fathers Goods.

191. By the first of these, a Man is *naturally free* from subjection to any Government, though he be born in a place under its Jurisdiction. But if he disclaim the lawful Government of the Country he was born in, he must also quit the Right that belong'd to him by the Laws of it, and the Possessions there descending to him from his Ancestors, if it were a Government made by their consent.

192. By the second, the *Inhabitants* of any Countrey, who are descended, and derive a Title to their Estates from those, who are subdued, and had a Government forced upon them against their free consents, *retain a Right to the Possession of their Ancestors*, though they consent not freely to the Government, whose hard Conditions were by force imposed on the Possessors of that Country. For the first *Conqueror never* having *had a Title to the Land* of that Country, the People who are the Descendants of, or claim under those, who were forced to submit to the Yoke of a Government by constraint, have always a Right to shake it off, and free themselves from the Usurpation, or Tyranny, which the Sword hath brought in upon them, till their Rulers put them under such a Frame of Government, as they willingly, and of choice consent to. Who doubts but the Grecian Christians descendants of the ancient possessors of that Country may justly cast off the Turkish yoke which they have so long groaned under when ever they have a power to do it? For no Government can have a right to obedience from a people who have not freely consented to it: which they can never be supposed to do, till either they are put in a full State of Liberty to chuse their Government and Governors, or at least till they have such standing Laws, to which they have by themselves or their Representatives, given their free consent, and also till they are allowed their due property, which is so to be Proprietors of what they have, that no body can take away any part of it without their own consent, without which, Men under any Government are not in the State of Free-men, but are direct Slaves under the Force of War.

§ 192 14–19 Locke modified this paragraph in the Christ's copy, inserting here the passage on the Grecian Christians which in the printed editions had come at the end. Rau, 1987, makes effective use of this passage in relation to late twentieth-century regimes.

193. But granting that the *Conqueror* in a just War has a Right to the Estates, as well as Power over the Persons of the Conquered; which, 'tis plain, he *hath* not: Nothing of *Absolute Power* will follow from hence, in the continuance of the Government. Because the Descendants of these being all Free-men, if he grants them Estates and Possessions to inhabit his Country (without which it would be worth nothing) whatsoever he grants them, they have, so far as it is granted, *property* in. The nature whereof is, that *without a Man's own consent* it *cannot be taken from him.*

194. Their *Persons* are *free* by a Native Right, and their *properties*, be they more or less, are *their own, and at their own dispose*, and not at his; or else it is no property. Supposing the Conqueror gives to one Man a Thousand Acres, to him and his Heirs for ever; to another he lets a Thousand Acres for his Life, under the Rent of 50 *l.* or 500. *l. per Ann.* Has not the one of these a Right to his Thousand Acres for ever, and the other, during his Life, paying the said Rent? And hath not the Tenant for Life a *property* in all that he gets over and above his Rent, by his Labour and Industry during the said term, supposing it be double the Rent? Can any one say, The King, or Conqueror, after his Grant, may by his Power of Conqueror, take away all, or part of the Land from the Heirs of one, or from the other, during his Life, he paying the Rent? Or can he take away from either, the Goods or Money they have got upon the said Land, at his pleasure? If he can, then all free and voluntary *Contracts* cease, and are void, in the World; there needs nothing to dissolve them at any time but Power enough: And all the *Grants* and Promises *of Men in power*, are but Mockery and Collusion. For can there be any thing more ridiculous than to say, I give you and yours this for ever; and that in the surest and most solemn way of conveyance can be devised: And yet it is to be understood, that I have Right, if I please, to take it away from you again to Morrow?

195. I will not dispute now whether Princes are exempt from the Laws of their Countrey; but this I am sure, they owe subjection to the Laws of God and Nature. No Body, no Power can exempt

§ 194 In this paragraph Locke is, typically, using the land-law of his time and country to illustrate what was, to him, a universal principle. He is still slightly ambiguous on the point of an individual having to consent as an individual to each act of alienation, cf. II, § 139, 5–7 and note.

them from the Obligations of that Eternal Law. Those are so great, and so ſtrong, in the case of *Promises*, that Omnipotency it self can be tyed by them. *Grants*, *Promises* and *Oaths* are Bonds that *hold the Almighty*: Whatever some Flatterers say to Princes of the World who all together, with all their People joined to them, are in comparison of the great God, but as a Drop of the Bucket, or a Duſt on the Balance, inconsiderable nothing!

196. The short of the *Case in Conqueſt* is this. The Conqueror, if he have a juſt Cause, has a Deſpotical Right over the Persons of all, that actually aided, and concurred in the War againſt him, and a Right to make up his Damage and Coſt out of their Labour and Eſtates, so he injure not the Right of any other. Over the reſt of the People, if there were any that consented not to the War, and over the Children of the Captives themselves, or the Possessions of either he has no Power; and so can have, *by Virtue of Conqueſt, no lawful Title* himself *to Dominion* over them, or derive it to his Poſterity; but is an Aggressor, if he attempts upon their properties, and thereby puts himself in a ſtate of War againſt them; and has no better a Right of Principality, he, nor any of his Successors, than *Hingar*, or *Hubba* the *Danes* had here in *England*; or *Spartacus*, had he Conquered *Italy* would have had; which is to have their Yoke caſt off, as soon as God shall give those under their subjection Courage and Opportunity to do it. Thus, notwithſtanding whatever Title the Kings of *Assyria* had over *Judah*, by the Sword, God aſſiſted *Hezekiah* to throw off the Dominion of that Conquering Empire. *And the Lord was with Hezekiah, and he prospered; wherefore he went forth, and he rebelled againſt the King of Assyria, and ſerved him not*, 2. Kings XVIII. vij. Whence it is plain, that shaking off a Power, which Force, and not Right hath set over any one, though it hath the Name of *Rebellion*, yet is no

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§ 195 6–7 Compare 1, § 6, 6: Hobbes (1904, 93) denied that a covenant could be made with God 'without speciall Revelation', though it was Filmer and his followers whom Locke thought of as flatterers of Princes; see, for example, 1, § 3.

§ 196 13 '*Hingar*' and '*Hubba*'—presumably the Ingware and Ubba named as the original Danish leaders of the first invasion (as distinct from raids) of England in the 860's by the Anglo-Saxon Chronicle; see Stenton, *Anglo-Saxon England*, 1943, 244.

14 '*Spartacus*'—the escaped gladiator who nearly conquered Italy in the eighth decade B.C.

Offence before God, but is that, which he allows and countenances, though even Promises and Covenants, when obtain'd by force, have intervened. For 'tis very probable to any one that reads the Story of *Ahaz*, and *Hezekiah* attentively, that the *Assyrians* subdued *Ahaz*, and deposed him, and made *Hezekiah* King in his Father's Life time; and that *Hezekiah* by agreement had done him Homage, and paid him Tribute all this time.

CHAP. XVII.

Of USURPATION.

197. AS Conquest may be called a Foreign Usurpation, so *Usurpation* is a kind of Domestick Conquest, with this difference, that an Usurper can never have Right on his side, it being no *Usurpation* but where one *is* got into *the Possession of what another has Right to*. This, so far as it is *Usurpation*, is a change only of Persons, but not of the Forms and Rules of the Government: For if the Usurper extend his Power beyond, what of Right belonged to the lawful Princes, or Governours of the Commonwealth, 'tis *Tyranny* added to Usurpation.

198. In all lawful Governments the designation of the Persons, who are to bear Rule, is as natural and necessary a part, as the Form of the Government it self, and is that which had its Establishment originally from the People. Hence all Common

24–35 On Ahaz, Hezekiah and the Assyrians, see II Kings xvi, xviii, xix, and I Chron. xxviii, xxix, xxxii: Locke's alternative reading does not seem to be accepted by modern biblical historians.

§ 197 *Chapter* XVII This chapter is obviously an addendum to chapter XVI and its probable date therefore is 1681 or 1682—see note on II, § 175. It is recapitulatory and parallels to its statements can be found in the *First Treatise*, §§ 71, 72, 78, 111, 119, 121, 122, but it does not seem to be the examination of Filmer's 'Title of Usurpers' promised in I, § 121, 9; see note there.

§ 198 4–11 This passage is difficult to interpret: 'For the anarchy' in line 8 seems not to fit what comes before, though it does make sense with what follows. It may all be due to a printer's confusion not properly put right by Locke. Unfortunately

wealths with the Form of Government established, have Rules also of appointing those, who are to have any share in the publick Authority; and settled methods of conveying the right to them. For the anarchy is much alike to have no forme of government at all; or to agree that it shall be monarchical, but to appoint no way to know or designe the person that shall have the power and be the monarch. Whoever gets into the exercise of any part of the Power, by other ways, than what the Laws of the Community have prescribed, hath no Right to be obeyed, though the Form of the Commonwealth be still preserved; since he is not the Person the Laws have appointed, and consequently not the Person the People have consented to. Nor can such an *Usurper*, or any deriving from him, ever have a Title, till the People are both at liberty to consent, and have actually consented to allow, and confirm in him, the Power he hath till then Usurped.

CHAP. XVIII.

Of TYRANNY.

199. AS Usurpation is the exercise of Power, which another hath a Right to; so *Tyranny* is *the exercise of Power beyond Right*, which no Body can have a Right to. And this is making use of the Power any one has in his hands; not for the good of

in the Christ's copy he failed to complete his correction. Having decided to move the passage printed here in lines 7–11 from an earlier position, he failed to delete it, with the result that the text in the 4th, 5th, 6th and Collected editions give it in both positions, making the paragraph pretty well unintelligible.

§ 199 *Chapter* XVIII Up to the end of § 202 this chapter clearly belongs to the series from chapter XVI, and was presumably written in 1681 or perhaps 1682 (see notes on § 197, chapter XVII and § 175, chapter XVI), which is confirmed by the reference to 'King James' in § 200, 3. But after § 202 the subject of tyranny is left behind, and Locke discusses the related but much more interesting topic of resistance: this whole passage to § 210 may well be a later insertion. In the editor's view it is most unlikely to have been an insertion of 1689, for it all reads as if it were intended to apply to resistance under contemplation, not to resistance which had taken place. Moreover its statements are often quite inappropriate to the actions of James II: the references to religion, for example, in § 209, 6–7 and § 210, 9–10—see Introduction, 54. But they do describe the actions of Charles II, at least as they were interpreted

those, who are under it, but for his own private separate Advantage. When the Governour, however intituled, makes not the Law, but his Will, the Rule; and his Commands and Actions are not directed to the preservation of the Properties of his People, but the satisfaction of his own Ambition, Revenge, Covetousness, or any other irregular Passion.

200. If one can doubt this to be Truth, or Reason, because it comes from the obscure hand of a Subject, I hope the Authority of a King will make it pass with him. King *James* the first in his Speech to the Parliament, 1603. tells them thus; *I will ever prefer the Weal of the Publick, and of the whole Commonwealth, in making of good Laws and Constitutions to any particular and private Ends of mine. Thinking ever the Wealth and Weal of the Commonwealth, to be my greatest Weal, and worldly Felicity; a Point wherein a lawful King doth directly differ from a Tyrant. For I do acknowledge, that the special and greatest point of Difference that is between a rightful King, and an usurping Tyrant, is this, That whereas the proud and ambitious Tyrant doth think, his Kingdom and People are only ordained for satisfaction of his Desires and unreasonable Appetites; the righteous and just King doth by the contrary acknowledge himself to be ordained for the procuring of the Wealth and Property of his People.* And again in his Speech to the Parliament, 1609. he hath these Words: *The KING binds*

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by Shaftesbury and the Exclusion Whigs. There are sentences, and perhaps longer passages, which may have been added in 1689, and § 205, 6–11 is an obvious example, but in general it would seem that this part of the text was written before Locke's departure for Holland in 1683, and may well be directly connected with the Whig plans for overt resistance to Charles II in those years: compare Ashcraft, 1986, 1987.

5–6 The point that a government must never have its 'own private separate Advantage' is made repeatedly; see II, § 138, 24–5; § 143, 13–14; § 163, 14 ('distinct and separate Interest'); § 164, 16.

§ 200 3 'King *James* the First'—'the First' added in errata to 3rd edition, 1698, and inserted in the Christ's copy: compare II, § 133, 10, and see note and references there.

4–31 See McIlwain, 1918 (an exact reproduction of King James's *Works*, 1616), 277, 278, 309–10, fairly exactly quoted, but with variations in spelling and punctuation and one interesting alteration: '*Property*' in line 15 reads 'prosperitie' in the original. Filmer quotes King James extensively, mostly from his *Trew Law of Free Monarchies*, and in *Patriarcha*, section 21, 103, he also uses the phrase about the tyrant and the law in lines 25–6. Locke does not appear to have owned any work of James I, but these speeches of 1603 and 1609 were used by others in the controversy of the early 1680's, see, for example, *Vox Regis, or the difference betwixt a King ruling by Law and Tyrant by his own will...in two speeches of King James to the parliaments in 1603...1609...an Appendix to Vox Populi*, London, 1681. This paragraph was obviously written 1679–81, see note on II, § 199, chapter XVIII; compare Polin, 1960, 216.

himself by a double Oath, to the observation of the Fundamental Laws of his Kingdom. Tacitly, as by being a King, and so bound to protect as well the People as the Laws of his Kingdom, and expressly by his Oath at his Coronation; so as every just King, in a setled Kingdom is bound to observe that Paction made to his People by his Laws in framing his Government agreeable thereunto, according to that Paction which God made with Noah, *after the Deluge. Hereafter, Seed-time and Harvest, and Cold and Heat, and Summer and Winter, and Day and Night shall not cease while the Earth remaineth. And therefore a King governing in a setled Kingdom, leaves to be a King, and degenerates into a Tyrant as soon as he leaves off to rule according to his Laws.* And a little after*: Therefore all Kings that are not Tyrants, or Perjured, will be glad to bound themselves within the Limits of their Laws. And they that perswade them the contrary, are Vipers, and Pests both against them and the Commonwealth.* Thus that Learned King who well understood the Notions of things, makes the difference betwixt a *King* and a *Tyrant* to consist only in this, That one makes the Laws the Bounds of his Power, and the Good of the Publick, the end of his Government; the other makes all give way to his own Will and Appetite.

201. 'Tis a Mistake to think this Fault is proper only to Monarchies; other Forms of Government are liable to it, as well as that. For where-ever the Power that is put in any hands for the Government of the People, and the Preservation of their Properties, is applied to other ends, and made use of to impoverish, harass, or subdue them to the Arbitrary and Irregular Commands of those that have it: There it presently becomes *Tyranny*, whether those that thus use it are one or many. Thus we read of the Thirty Tyrants at *Athens*, as well as one at *Syracuse*; and the intolerable Dominion of the *Decemviri* at *Rome* was nothing better.

202. *Where-ever Law ends, Tyranny begins*, if the Law be transgressed to another's harm. And whosoever in Authority exceeds the Power given him by the Law, and makes use of the Force he has under his Command, to compass that upon the Subject, which the Law allows not, ceases in that to be a Magistrate, and

§ 201 7–10 The Thirty Tyrants ruled in Athens 404–403 B.C., and the tyrants of Syracuse were advised by Plato himself: the *Decemviri* were a board of ten who were forced from the rulership of the Roman Republic in 449 B.C. for tyrannical behaviour.

acting without Authority, may be opposed, as any other Man, who by force invades the Right of another. This is acknowledged in subordinate Magistrates. He that hath Authority to seize my Person in the Street, may be opposed as a Thief and a Robber, if he indeavours to break into my House to Execute a Writ, notwithstanding that I know he has such a Warrant, and such a Legal Authority as will impower him to Arrest me abroad. And why this should not hold in the highest, as well as in the most Inferiour Magistrate, I would gladly be informed. Is it reasonable that the Eldest Brother, because he has the greatest part of his Father's Estate, should thereby have a Right to take away any of his younger Brothers Portions? Or that a Rich Man, who possessed a whole Country, should from thence have a Right to seize, when he pleased, the Cottage and Garden of his poor Neighbour? The being rightfully possessed of great Power and Riches exceedingly beyond the greatest part of the Sons of *Adam*, is so far from being an excuse, much less a reason, for Rapine, and Oppression, which the endamaging another without Authority is, that it is a great Aggravation of it. For the exceeding the Bounds of Authority is no more a Right in a great, than a petty Officer; no more justifiable in a King, than a Constable. But is so much the worse in him, in that he has more trust put in him, has already a much greater share than the rest of his brethren, and is supposed from the advantages of Education, imployment and Counsellors to be more knowing in the measures of right or wrong.

203. May the *Commands* then *of a Prince be opposed*? May he be resisted as often as any one shall find himself aggrieved, and but imagine he has not Right done him? This will unhinge and overturn all Polities, and instead of Government and Order, leave nothing but Anarchy and Confusion.

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§ 202 14–17 The greater rights of the eldest brother are discussed at length in the *First Treatise*; see, for example, §§ 114, 115.

17–20 Compare I, § 42, for the limitations on the powers of the rich man. The example given here, of the wealthy landowner and the cottager with his garden, comes straight out of the rural England of Locke's day.

26–31 This point is made again in II, § 231.

29–31 Locke rephrased this.

§ 203 It is possible that the text from this point to the end of the chapter is an addition to the original, perhaps of 1681–2, perhaps even of 1689: see note to § 199 (chapter XVIII), where it is argued that it was written before 1683.

204. To this I Answer: That *Force* is to be *opposed* to nothing, but to unjuſt and unlawful *Force*; whoever makes any opposition in any other Case, draws on himself a juſt Condemnation both from God and Man; and so no such Danger or Confusion will follow, as is often suggeſted. For,

205. *Firſt*, As in some Countries, the Person of the Prince by the Law is Sacred; and so whatever he commands, or does, his Person is ſtill free from all Queſtion or Violence, not liable to Force, or any Judicial Cenſure or Condemnation. But yet opposition may be made to the illegal Acts of any inferiour Officer, or other commissioned by him; unless he will by actually putting himself into a State of War with his People, dissolve the Government, and leave them to that defence, which belongs to every one in the State of Nature. For of such things who can tell what the end will be? And a Neighbour Kingdom has shewed the World an odd Example. In all other Cases the *Sacredness* of the person *exempts him from all Inconveniences* whereby he is secure, whilſt the Government ſtands, from all violence and harm whatsoever; Than which there cannot be a wiser Conſtitution. For the harm he can do in his own Person, not being likely to happen often, nor to extend it self far; nor being able by his single ſtrength to subvert the Laws, nor oppress the Body of the People, should any Prince have so much Weakness and ill Nature as to be willing to do it, the Inconveniency of some particular mischiefs, that may happen sometimes, when a heady Prince comes to the Throne, are well recompenced, by the peace of the Publick, and security of the Government, in the Person of the Chief Magiſtrate, thus set out of the reach of danger: It being safer for the Body, that some few private Men should be sometimes in danger to suffer, than that the head of the Republick should be easily, and upon slight occasions exposed.

206. *Secondly*, But this Priviledge, belonging only to the King's Person, hinders not, but they may be queſtioned, opposed, and

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§ 205 1 'Some Countries'—England is meant here; compare 1, § 90, 29–31.

6–11 This passage seems to be an insertion of 1689 and a direct reference to James II, here accused of having put himself into a state of war with his people and dissolved the government. The 'Neighbour Kingdom' of line 10 is England again, an even more indirect reference but typical of Locke: compare above note and see Introduction, 78. It will be noted that dissolution of *government*, not *society*, here brings back the state of nature: see Introduction, 114.

resisted, who use unjust force, though they pretend a Commission from him, which the Law authorizes not. As is plain in the Case of him, that has the King's Writ to Arrest a Man, which is a full Commission from the King; and yet he that has it cannot break open a Man's House to do it, nor execute this Command of the King upon certain Days, nor in certain Places, though this Commission have no such exception in it, but they are the Limitations of the Law, which if any one transgress, the King's Commission excuses him not. For the King's Authority being given him only by the Law, he cannot impower any one to act against the Law, or justifie him, by his Commission in so doing. The *Commission*, or *Command of any Magistrate, where he has no Authority*, being as *void* and insignificant, as that of any private Man. The difference between the one and the other, being that the Magistrate has some Authority so far, and to such ends, and the private Man has none at all. For 'tis not the *Commission*, but the *Authority*, that gives the Right of acting; and *against the Laws there can be no Authority*. But, notwithstanding such Resistance, the King's Person and Authority are still both secured, and so *no danger to Governor or Government*.

207. *Thirdly*, Supposing a Government wherein the Person of the Chief Magistrate is not thus Sacred; yet this *Doctrine* of the lawfulness of *resisting* all unlawful exercises of his Power, *will not* upon every slight occasion indanger him, or *imbroil the Government*. For where the injured Party may be relieved, and his damages repaired by Appeal to the Law, there can be no pretence for Force, which is only to be used, where a Man is intercepted from appealing to the Law. For nothing is to be accounted Hostile Force, but where it leaves not the remedy of such an Appeal. And 'tis such *Force* alone, that *puts* him that uses it *into a State of War*, and makes it lawful to resist him. A Man with a Sword in his Hand demands my Purse in the High-way, when perhaps I have not 12*d.* in my Pocket; This Man I may lawfully kill. To another I deliver 100 *l.* to hold only whilst I alight, which he refuses to restore me, when I am got up again, but draws his Sword to defend the possession of it by force, if I endeavour to retake it. The mischief this Man does me, is a hundred, or possibly a thousand times more, than the other perhaps intended me,

§ 207 12–13 Compare II, § 18.

(whom I killed before he really did me any) and yet I might lawfully kill the one, and cannot so much as hurt the other lawfully. The Reason whereof is plain; because the one using *force*, which threatned my Life, I could not have *time to appeal* to the Law to secure it: And when it was gone, 'twas too late to appeal. The Law could not restore Life to my dead Carcass: The Loss was irreparable; which to prevent, the Law of Nature gave me a Right to *destroy* him, who had put himself into a State of War with me, and threatned my destruction. But in the other case, my Life not being in danger, I may have the *benefit of appealing* to the Law, and have Reparation for my 100 *l.* that way.

208. *Fourthly*, But if the unlawful acts done by the Magistrate, be maintained (by the Power he has got) and the remedy which is due by Law, be by the same Power obstructed; yet the *Right of resisting*, even in such manifest Acts of Tyranny, *will not* suddenly, or on slight occasions, *disturb the Government*. For if it reach no farther than some private Mens Cases, though they have a right to defend themselves, and to recover by force, what by unlawful force is taken from them; yet the Right to do so, will not easily ingage them in a Contest, wherein they are sure to perish; it being as impossible for one or a few oppressed Men to *disturb the Government*, where the Body of the People do not think themselves concerned in it, as for a raving mad Man, or heady Male-content to overturn a well-settled State; the People being as little apt to follow the one, as the other.

209. But if either these illegal Acts have extended to the Majority of the People; or if the Mischief and Oppression has light only on some few, but in such Cases, as the Precedent, and Consequences seem to threaten all, and they are perswaded in their Consciences, that their Laws, and with them their Estates,

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§ 208 Compare II, § 230, 1–10, and see Seliger, 1963 (ii), talking of *raison d'état*.

5–6 Elrington (1798) comments here that there are cases in which redress is impossible, where it would injure innocent people, and that no one 'has a right to overturn the peace of the Society he lives in and reduce his fellow-citizens to a State of Nature, for the mere purpose of obtaining redress'.

§ 209 The statements of this paragraph and § 210 are often taken to refer directly to James II, and they seem more specific than the rest of the passage from § 203; see note there. In the note on § 199 (chapter XVIII) and in the Introduction, 54 it is argued that they are in fact more appropriate to the situation of the early 1680's than of 1688–9, and it may be significant that the paragraph ends with the 'Father of a Family' once again.

Liberties, and Lives are in danger, and perhaps their Religion too, how they will be hindered from resisting illegal force, used against them, I cannot tell. This is an *Inconvenience*, I confess, that *attends all Governments* whatsoever, when the Governours have brought it to this pass, to be generally suspected of their People; the most dangerous State which they can possibly put themselves in: wherein they are the less to be pitied, because it is so easie to be avoided; It being as impossible for a Governor, if he really means the good of his People, and the preservation of them and their Laws together, not to make them see and feel it; as it is for the Father of a Family, not to let his Children see he loves, and takes care of them.

210. But if all the World shall observe Pretences of one kind, and Actions of another; Arts used to elude the Law, and the Trust of Prerogative (which is an Arbitrary Power in some things left in the Prince's hand to do good, not harm to the People) employed contrary to the end, for which it was given: if the People shall find the Ministers, and subordinate Magistrates chosen suitable to such ends, and favoured, or laid by proportionably, as they promote, or oppose them: If they see several Experiments made of Arbitrary Power, and that Religion underhand favoured (though publickly proclaimed against) which is readiest to introduce it, and the Operators in it supported, as much as may be; and when that cannot be done, yet approved still, and liked the better: if a *long Train of Actings shew the Councils* all tending that way, how can a Man any more hinder himself from being perswaded in his own Mind, which way things are going; or from casting about how to save himself, than he could from believing the Captain of the Ship he was in, was carrying him, and the rest of the Company to *Algiers*, when he found him always steering that Course, though cross Winds, Leaks in his Ship, and want of Men and Provisions did often force him to turn his Course another way for some time, which he steadily returned to again, as soon as the Wind, Weather, and other Circumstances would let him?

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§ 210 2–4 'the Trust of Prerogative'—compare chapter XIV, especially §§ 163, 168; the definition of prerogative assumed here is the same, but the phrase is new. Compare II, § 94, 1–9 on the sentiments of the first part of this paragraph.

13 '*long Train of Actings*...'—see note on II, § 225, 5–6.

18 '*Algiers*'—the slave market for Christians captured by Moorish pirates.

CHAP. XIX.

Of the Dissolution of Government.

211. HE that will with any clearness speak of the *Dissolution of Government*, ought, in the first place to distinguish between the *Dissolution of the Society*, and the *Dissolution of the Government*. That which makes the Community, and brings Men out of the loose State of Nature, into *one Politick Society*, is the Agreement which every one has with the rest to incorporate, and act as one Body, and so be one distinct Commonwealth. The usual, and almost only way whereby *this Union is dissolved*, is the Inroad of Foreign Force making a Conquest upon them. For in that Case, (not being able to maintain and support themselves, as *one intire* and *independent Body*) the Union belonging to that Body which consisted therein, must necessarily cease, and so every one return to the state he was in before, with a liberty to

§ 211 *Chapter* XIX This chapter contains those statements of Locke's which associate his book most closely with the events of 1688–9. It is lacking in structure and obviously the result of successive correction and addition, but it seems to have belonged to Locke's original text, though perhaps not written before 1681 or 1682. The first part of the chapter, up to § 218, seems clearly to have been written well before 1688, especially § 218 itself which seems too hypothetical for a whig comment on the Revolution, even for Locke. Then come two paragraphs which were added in 1689 (§§ 219, 220), followed by a passage mainly belonging to the original text. The prolonged criticism of Barclay (§§ 232–9) seems to have been written in 1681 or 1682, certainly after he had added his material from Hooker. The final paragraphs seem to belong to the original, but were obviously modified and extended after the Revolution.

1–4 On the dissolution of government as opposed to the dissolution of society, and the community which survives the breakdown of government, see Introduction, 116. Maclean, 1947, points out an interesting parallel with the views of George Lawson here: compare *Politica Sacra* (1660), 1689, 24, 27, 59, 95, 217, etc., and his *Examination of Hobbes*, 1657, 15, etc. As in the case of the separation of powers (see note on II, § 146), Lawson is far more specific and rather different in his conceptions. He laid it down that when the government was dissolved, the counties maintained the community of England.

7–15 Compare II, § 175, 8–13, II, § 185 and Hobbes's *Leviathan*, chapter 29: 'When in a warre (forraign or intestine,) the enemies get a finall Victory; so as...there is no farther protection of Subjects in their loyalty; then is the Common-wealth DISSOLVED, and every man at liberty to protect himselfe by such courses as his own discretion shall suggest to him' (1904, 242). In II, § 218, 12–14, Locke equates rebellion with foreign conquest in a similar way.

shift for himself, and provide for his own Safety as he thinks fit in some other Society. Whenever the *Society is dissolved*, 'tis certain the Government of that Society cannot remain. Thus Conquerours Swords often cut up Governments by the Roots, and mangle Societies to pieces, separating the subdued or scattered Multitude from the Protection of, and Dependence on that Society which ought to have preserved them from violence. The World is too well instructed in, and too forward to allow of this way of dissolving of Governments to need any more to be said of it: and there wants not much Argument to prove, that where the *Society is dissolved*, the Government cannot remain; that being as impossible, as for the Frame of an House to subsist when the Materials of it are scattered, and dissipated by a Whirl-wind, or jumbled into a confused heap by an Earthquake.

212. Besides this over-turning from without, *Governments are dissolved from within*,

First, When the *Legislative* is *altered*. Civil Society being a State of Peace, amongst those who are of it, from whom the State of War is excluded by the Umpirage, which they have provided in their Legislative, for the ending all Differences, that may arise amongst any of them, 'tis in their *Legislative*, that the Members of a Commonwealth are united, and combined together into one coherent living Body. This *is the Soul that gives Form, Life, and Unity* to the Commonwealth: From hence the several Members have their mutual Influence, Sympathy, and Connexion: And therefore when the *Legislative* is broken, or *dissolved*, Dissolution and Death follows. For the *Essence and Union of the Society* consisting in having one Will, the Legislative, when once established by the Majority, has the declaring, and as it were keeping of that Will. The *Constitution of the Legislative* is the first and fundamental Act of Society, whereby provision is made for the *Continuation of their Union*, under the Direction of Persons, and Bonds of

§ 212 9–13 Compare Hobbes, *Leviathan*, chapter 29, continuation of passage quoted in footnote to § 211: 'For the Sovereign is the publique Soule, giving Life and Motion to the Common-wealth', and when it departs death follows. Locke seems to be deliberately putting his legislative in the place of the sovereign, and though there are very similar passages to this one in *Leviathan* about sovereignty and the soul of a political society in Grotius (1625, II, ix, 1; 1712, 322) and Pufendorf (1672, VII, iv, 1, 906) it may be that Locke had the words of Hobbes specifically in mind here.

16–17 Compare II, § 134, 4–5 and note, and chapter XI generally.

Laws made by persons authorized thereunto, by the Consent and Appointment of the People, without which no one Man, or number of Men, amongſt them, can have Authority of making Laws, that shall be binding to the reſt. When any one, or more, shall take upon them to make Laws, whom the People have not appointed so to do, they make Laws without Authority, which the People are not therefore bound to obey; by which means they come again to be out of subjection, and may conſtitute to themselves a *new Legislative*, as they think beſt, being in full liberty to resiſt the force of those, who without Authority would impose any thing upon them. Every one is at the disposure of his own Will, when those who had by the delegation of the Society, the declaring of the publick Will, are excluded from it, and others usurp the place who have no such Authority or Delegation.

213. This being usually brought about by such in the Commonwealth who misuse the Power they have: It is hard to consider it aright, and know at whose door to lay it, without knowing the Form of Government in which it happens. Let us suppose then the Legislative placed in the Concurrence of three diſtinct Persons.

1. A single hereditary Person having the conſtant, supream, executive Power, and with it the Power of Convoking and Dissolving the other two within certain Periods of Time.

2. An Assembly of Hereditary Nobility.

3. An Assembly of Representatives chosen *pro tempore*, by the People: Such a Form of Government supposed, it is evident.

214. *Firſt*, That when such a single Person or Prince sets up his own Arbitrary Will in place of the Laws, which are the Will of the Society, declared by the Legislative, then the *Legislative is changed*. For that being in effect the Legislative whose Rules and Laws are put in execution, and required to be obeyed; when other Laws are set up, and other Rules pretended, and inforced, than what the Legislative, conſtituted by the Society, have enacted,

§ 213 4–11 It is obviously the constitutional arrangements for the English legislature that are being described; compare II, § 167, note and references, and II, § 223.

9 'within certain Periods of Time'—Locke changes his ground here from the earlier discussion of the summoning of parliament, which had left it at the discretion of the executive—see, for example, § 156, especially 30–2; this may mark this paragraph as having been written later. Seliger, 1968, 343, disagrees that Locke is shifting here.

'tis plain, that the *Legislative is changed.* Whoever introduces new Laws, not being thereunto authorized by the fundamental Appointment of the Society, or subverts the old, disowns and overturns the Power by which they were made, and so sets up a *new Legislative.*

215. *Secondly,* When the Prince hinders the Legislative from assembling in its due time, or from acting freely, pursuant to those ends, for which it was Constituted, the *Legislative is altered.* For 'tis not a certain number of Men, no, nor their meeting, unless they have also Freedom of debating, and Leisure of perfecting, what is for the good of the Society wherein the Legislative consists: when these are taken away or altered, so as to deprive the Society of the due exercise of their Power, the *Legislative* is truly *altered.* For it is not Names, that Constitute Governments, but the use and exercise of those Powers that were intended to accompany them; so that he who takes away the Freedom, or hinders the acting of the Legislative in its due seasons, in effect *takes away the Legislative,* and *puts an end to the Government.*

216. *Thirdly,* When by the Arbitrary Power of the Prince, the Electors, or ways of Election are altered, without the Consent, and contrary to the common Interest of the People, there also the *Legislative is altered.* For if others, than those whom the Society has authorized thereunto, do chuse, or in another way, than what the Society hath prescribed, those chosen are not the Legislative appointed by the People.

217. *Fourthly,* The delivery also of the People into the subjection of a Foreign Power, either by the Prince, or by the Legislative, is certainly a *change of the Legislative,* and so a *Dissolution of the*

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§ 215 1–3 Compare II, § 155, 3.

§ 216 This paragraph seems to refer to the attempt of both Charles II and James II to alter the parliamentary franchise by remodelling the charters of boroughs; see Thomson, *Constitutional History,* 1938, 452–3. Although the Bill of Rights of 1689 declared that James II had 'violated the freedom of election of members' and claimed that 'Election of Members of Parliament ought to be free', Locke's words and meaning here do not seem to be as close to that document as is so often assumed.

§ 217 Compare II, § 239, 26–37 (added in 1694) and note ‡, Introduction, p. 45: Locke may have had in mind here the possibility of a Catholic king submitting his country to the Pope, which was provided against by the Bill of Rights. But there is no close parallel and it seems more likely that he was contemplating the sort of action condemned in a King even by William Barclay; see II, § 238.

Government. For the end why People entered into Society, being to be preserved one intire, free, independent Society, to be governed by its own Laws; this is lost, whenever they are given up into the Power of another.

218. Why in such a Constitution as this, the *Dissolution of the Government* in these Cases is to be imputed to the Prince, is evident: because he having the Force, Treasure, and Offices of the State to imploy, and often perswading himself, or being flattered by others, that as Supream Magistrate he is uncapable of controul; he alone is in a Condition to make great Advances toward such Changes, under pretence of lawful Authority, and has it in his hands to terrifie or suppress Opposers, as Factious, Seditious, and Enemies to the Government: Whereas no other part of the Legislative, or People is capable by themselves to attempt any alteration of the Legislative, without open and visible Rebellion, apt enough to be taken notice of; which when it prevails, produces Effects very little different from Foreign Conquest. Besides the Prince in such a Form of Government, having the Power of dissolving the other parts of the Legislative, and thereby rendering them private Persons, they can never in opposition to him, or without his Concurrence, alter the Legislative by a Law, his Consent being necessary to give any of their Decrees that Sanction. But yet so far as the other parts of the Legislative any way contribute to any attempt upon the Government, and do either promote, or not, what lies in them, hinder such designs, they are guilty, and partake in this, which is certainly the greatest Crime Men can be guilty of one towards another.

219. There is one way more whereby such a Government may be dissolved, and that is, when he who has the Supream Executive Power, neglects and abandons that charge, so that the Laws

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§ 218 It seems quite unlikely that even the cautious and devious Locke can have written this paragraph after the events of 1688–9—see note on II, § 211, chapter XIX.

1 'such a Constitution as this'—that is, the English Constitution; see note on II, § 213, 4–11, and for the use of the word 'constitution' in our sense, II, § 155, 4.

9–14 See II, § 211, 7–15 and note.

16 Compare II, § 154, 2–3.

§ 219 This paragraph, and probably § 220, must have been written in 1689 to refer to James II having 'abdicated the government... and withdrawn himself out of the kingdom' so 'that the throne is thereby vacant', which were the words used in the Parliamentary resolutions: compare note, ‡, Introduction, p. 45. The fact that these

already made can no longer be put in execution. This is demonstratively to reduce all to Anarchy, and so effectually to *dissolve the Government*. For Laws not being made for themselves, but to be by their execution the Bonds of the Society, to keep every part of the Body Politick in its due place and function, when that totally ceases, the *Government* visibly *ceases*, and the People become a confused Multitude, without Order or Connexion. Where there is no longer the administration of Justice, for the securing of Mens Rights, nor any remaining Power within the Community to direct the Force, or provide for the Necessities of the publick, there certainly is *no Government left*. Where the Laws cannot be executed, it is all one as if there were no Laws, and a Government without Laws, is, I suppose, a Mystery in Politicks, unconceivable to humane Capacity, and inconsistent with humane Society.

220. In these and the like Cases, *when the Government is dissolved*, the People are at liberty to provide for themselves, by erecting a new Legislative, differing from the other, by the change of Persons, or Form, or both as they shall find it most for their safety and good. For the *Society* can never, by the fault of another, lose the Native and Original Right it has to preserve it self, which can only be done by a settled Legislative, and a fair and impartial execution of the Laws made by it. But the state of Mankind is not so miserable that they are not capable of using this Remedy, till it be too late to look for any. To tell *People* they *may provide for themselves*, by erecting a new Legislative, when by Oppression, Artifice, or being delivered over to a Foreign Power, their old one is gone, is only to tell them they may expect Relief, when it is too late, and the evil is past Cure. This is in effect no more than to bid them first be Slaves, and then to take care of their Liberty; and when their Chains are on, tell them, they may act like Freemen. This, if barely so, is rather Mockery than Relief; and Men can never be secure from Tyranny, if there be no means to escape it, till they are perfectly under it: And therefore it is, that they have not only a Right to get out of it but to prevent it.

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statements are difficult to reconcile with what Locke says elsewhere about the dissolution of government as opposed to the dissolution of society (see Introduction, 114) may mark the passage as a subsequent insertion. But in II, § 121, 15–18, and in II, § 205, 6–11, he also seems to imply that dissolution of government puts the subject 'in the liberty of the state of nature'.

221. There is therefore, secondly, another way whereby *Governments are dissolved*, and that is; when the Legislative, or the Prince, either of them act contrary to their Trust.

First, The *Legislative acts against the Trust* reposed in them, when they endeavour to invade the Property of the Subject, and to make themselves, or any part of the Community, Masters, or Arbitrary Disposers of the Lives, Liberties, or Fortunes of the People.

222. The Reason why Men enter into Society, is the preservation of their Property; and the end why they chuse and authorize a Legislative, is, that there may be Laws made, and Rules set as Guards and Fences to the Properties of all the Members of the Society, to limit the Power, and moderate the Dominion of every Part and Member of the Society. For since it can never be supposed to be the Will of the Society, that the Legislative should have a Power to destroy that, which every one designs to secure, by entering into Society, and for which the People submitted themselves to the Legislators of their own making; whenever the *Legislators endeavour to take away, and destroy the Property of the People*, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, against Force and Violence. Whensoever therefore the *Legislative* shall transgress this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption, *endeavour to grasp* themselves, *or put into the hands of any other an Absolute Power* over the Lives, Liberties, and Estates of the People; By this breach of Trust they *forfeit the Power*, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative (such as they shall think fit) provide for their

§ 221 1 'secondly'—presumably follows on to the '*First*' in § 212, line 3, but the confusing numerations here may indicate successive recorrections to this whole area of the text: there is, e.g., no 'secondly' to the '*First*' of line 4 of this paragraph (though Hinton, 1974, suggests that the 'also' of § 222, 27 is to be taken for it).

§ 222 1–16 Compare II, § 135.

1–2 Compare II, § 138, 3–4.

19–20 Compare II, § 87, 5, note and references.

20–2 Compare Lawson, *Politica Sacra* (1660), 1689, 62 (sovereignty may 'in some cases' be forfeit 'to the community'), and on trust generally (79, 217, etc.). See Maclean, 1947.

own Safety and Security, which is the end for which they are in Society. What I have said here, concerning the Legislative, in general, holds true also concerning the *supreame Executor*, who having a double truſt put in him, both to have a part in the Legislative, and the supreme Execution of the Law, Acts againſt both, when he goes about to set up his own Arbitrary Will, as the Law of the Society. He *acts* also *contrary to his Truſt*, when he either imploys the Force, Treasure, and Offices of the Society, to corrupt the *Representatives*, and gain them to his purposes: or openly pre-ingages the *Electors*, and prescribes to their choice, such, whom he has by Sollicitations, Threats, Promises, or otherwise won to his designs; and imploys them to bring in such, who have promised before-hand, what to Vote, and what to Enact. Thus to regulate Candidates and *Electors*, and new model the ways of *Election*, what is it but to cut up the Government by the Roots, and poison the very Fountain of publick Security? For the People having reserved to themselves the Choice of their *Representatives*, as the Fence to their Properties, could do it for no other end, but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of the Commonwealth, and the publick Good should, upon examination, and mature debate, be judged to require. This, those who give their Votes before they hear the Debate, and have weighed the Reasons on all sides, are not capable of doing. To prepare such an Assembly as this, and endeavour to set up the declared Abettors of his own Will, for the true *Representatives* of the People, and the Law-makers of the Society, is certainly as great a *breach of truſt*, and as perfect a Declaration of a design to subvert the Government, as is possible to be met with. To which, if one shall add Rewards and Punishments visibly imploy'd to the same end, and all the Arts of perverted Law made use of, to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the Liberties of their Country, 'twill be past doubt what is doing. What Power they ought to have in the Society, who thus imploy it contrary to the trust that went along with it in its first

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26–62 Probably an addition, or successive additions. Here Locke seems to have James II's attempts to control the electorate specifically in mind (compare note on II, § 216); see Burnet, 1724, I, 719. The final lines can only refer to James II, and it seems likely that the whole passage was added in 1689, making the paragraph the longest in the book.

Institution, is easie to determine; and one cannot but see, that he, who has once attempted any such thing as this, cannot any longer be trusted.

223. To this perhaps it will be said, that the People being ignorant, and always discontented, to lay the Foundation of Government in the unsteady Opinion, and uncertain Humour of the People, is to expose it to certain ruine; And *no Government will be able long to subsist*, if the People may set up a new Legislative, whenever they take offence at the old one. To this, I Answer: Quite the contrary. People are not so easily got out of their old Forms, as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledg'd Faults, in the Frame they have been accustom'd to. And if there be any Original defects, or adventitious ones introduced by time, or corruption; 'tis not an easie thing to get them changed, even when all the World sees there is an opportunity for it. This slowness and aversion in the People to quit their old Constitutions, has, in the many Revolutions which have been seen in this Kingdom, in this and former Ages, still kept us to, or, after some interval of fruitless attempts, still brought us back again to our old Legislative of King, Lords and Commons: And whatever provocations have made the Crown be taken from some of our Princes Heads, they never carried the People so far, as to place it in another Line.

224. But 'twill be said, this *Hypothesis* lays a *ferment* for frequent *Rebellion*. To which I Answer,

First, No more than any other *Hypothesis*. For when the *People* are made *miserable*, and find themselves *exposed to the ill usage of Arbitrary Power*, cry up their Governours, as much as you will for Sons of *Jupiter*, let them be Sacred and Divine, descended or authoriz'd from Heaven; give them out for whom or what you

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§ 223 4–6 Elrington, 1798, objects here that the right of changing government depends not on the will of the people, but on their reason dictating the necessity of it.

9–10 'in the Frame they have been accustom'd to'—there is a parallel phrase, perhaps accidental, in the *American Declaration of Independence*, ed. Becker, 1922, 10, 'the forms to which they are accustomed'.

15 'in this Kingdom'—here Locke again openly refers to England and her Constitution; see 11, § 213, 4–11, note and references.

16–20 This may be a reference to the events of 1688–9, and therefore a late addition, but it could perhaps as well refer to 1640–60 and the dynastic operations of the fifteenth century.

please, the same will happen. *The People generally ill treated*, and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them. They will wish and seek for the opportunity, which, in the change, weakness, and accidents of humane affairs, seldom delays long to offer it self. He must have lived but a little while in the World, who has not seen Examples of this in his time; and he must have read very little, who cannot produce Examples of it in all sorts of Governments in the World.

225. Secondly, I Answer, such *Revolutions happen* not upon every little mismanagement in publick affairs. *Great mistakes* in the ruling part, many wrong and inconvenient Laws, and all the *slips* of humane frailty will be *born by the People*, without mutiny or murmur. But if a long train of Abuses, Prevarications, and Artifices, all tending the same way, make the design visible to the People, and they cannot but feel, what they lie under, and see, whither they are going; 'tis not to be wonder'd, that they should then rouze themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which Government was at first erected; and without which, ancient Names, and specious Forms, are so far from being better, that they are much worse, than the state of Nature, or pure Anarchy; the inconveniencies being all as great and as near, but the remedy farther off and more difficult.

226. Thirdly, I Answer, That *this Doctrine* of a Power in the People of providing for their safety a-new by a new Legislative, when their Legislators have acted contrary to their trust, by invading their Property, is *the best fence against Rebellion*, and the probablest means to hinder it. For Rebellion being an Opposition, not to Persons, but Authority, which is founded only in the Constitutions and Laws of the Government; those, whoever they be, who by force break through, and by force justifie their violation of them, are truly and properly *Rebels*. For when Men by entering into Society and Civil Government, have excluded force, and introduced Laws for the preservation of Property, Peace, and

§ 225 5–6 Compare II, § 210, 13–14 (verbal parallel), and II, § 230, 10–15. The American Declaration of Independence has: 'But when a long train of abuses and usurpations pursuing invariably the same object...' (ed. Becker, 1922, 10).

11–15 Compare II, § 137, 10–14.

Unity amongſt themselves; those who set up force again in opposition to the Laws, do *Rebellare*, that is, bring back again the ſtate of War, and are properly Rebels: Which they who are in Power (by the pretence they have to Authority, the temptation of force they have in their hands, and the Flattery of those about them) being likelieſt to do; the properest way to prevent the evil, is to shew them the danger and injuſtice of it, who are under the greateſt temptation to run into it.

227. In both the forementioned Cases, when either the Legislative is changed, or the Legislators act contrary to the end for which they were conſtituted; those who are guilty are *guilty of Rebellion*. For if any one by force takes away the eſtabliſh'd Legiſlative of any Society, and the Laws by them made pursuant to their truſt, he thereby takes away the Umpirage, which every one had consented to, for a peaceable decision of all their Controversies, and a bar to the ſtate of War amongſt them. They, who remove, or change the Legislative, take away this decisive power, which no Body can have, but by the appointment and consent of the People; and so deſtroying the Authority, which the People did, and no Body else can set up, and introducing a Power, which the People hath not authoriz'd, they actually *introduce a ſtate of War*, which is that of Force without Authority: And thus by removing the Legislative eſtabliſh'd by the Society (in whose decisions the People acquiesced and united, as to that of their own will) they unty the Knot, and *expose the People a new to the ſtate of War*. And if those, who by force take away the Legislative, are *Rebels*, the *Legiſlators* themselves, as has been shewn, can be no less eſteemed so; when they, who were set up for the protection, and preservation of the People, their Liberties and Properties, shall by force invade, and indeavour to take them away; and so they putting themselves into a ſtate of War with those, who made them the Protectors and Guardians of their Peace, are properly, and with the greateſt aggravation, *Rebellantes* Rebels.

228. But if they, who say it *lays a foundation for Rebellion*, mean that it may occasion Civil Wars, or Inteſtine Broils, to tell the People they are absolved from Obedience, when illegal attempts are made upon their Liberties or Properties, and may oppose the unlawful violence of those, who were their Magiſtrates, when

they invade their Properties contrary to the trust put in them; and that therefore this Doctrine is not to be allow'd, being so destructive to the Peace of the World. They may as well say upon the same ground, that honest Men may not oppose Robbers or Pirates, because this may occasion disorder or bloodshed. If any *mischief* come in such Cases, it is not *to be charged* upon him, who defends his own right, but *on him*, that *invades* his Neighbours. If the innocent honest Man must quietly quit all he has for Peace sake, to him who will lay violent hands upon it, I desire it may be consider'd, what a kind of Peace there will be in the World, which consists only in Violence and Rapine; and which is to be maintain'd only for the benefit of Robbers and Oppressors. Who would not think it an admirable Peace betwixt the Mighty and the Mean, when the Lamb, without resistance, yielded his Throat to be torn by the imperious Wolf? *Polyphemus*'s Den gives us a perfect Pattern of such a Peace, and such a Government, wherein *Ulysses* and his Companions had nothing to do, but quietly to suffer themselves to be devour'd. And no doubt *Ulysses*, who was a prudent Man, preach'd up *Passive Obedience*, and exhorted them to a quiet Submission, by representing to them of what concernment Peace was to Mankind; and by shewing the inconveniencies might happen, if they should offer to resist *Polyphemus*, who had now the power over them.

229. The end of Government is the good of Mankind, and which is *best for Mankind*, that the People should be always expos'd to the boundless will of Tyranny, or that the Rulers should be sometimes liable to be oppos'd, when they grow exorbitant in the use of their Power, and imploy it for the destruction, and not the preservation of the Properties of their People?

230. Nor let any one say, that mischief can arise from hence, as often as it shall please a busie head, or turbulent spirit, to desire the alteration of the Government. 'Tis true, such Men may stir, whenever they please, but it will be only to their own just ruine and perdition. For till the mischief be grown general, and the ill designs of the Rulers become visible, or their attempts

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§ 228 20–8 See the *Odyssey*, Book IX.
§ 230 1–10 Compare II, § 208.

sensible to the greater part, the People, who are more disposed to suffer, than right themselves by Resistance, are not apt to stir. The examples of particular Injustice, or Oppression of here and there an unfortunate Man, moves them not. But if they universally have a perswasion, grounded upon manifest evidence, that designs are carrying on against their Liberties, and the general course and tendency of things cannot but give them strong suspicions of the evil intention of their Governors, who is to be blamed for it? Who can help it, if they, who might avoid it, bring themselves into this suspicion? Are the People to be blamed, if they have the sence of rational Creatures, and can think of things no otherwise than as they find and feel them? And is it not rather *their fault*, who puts things in such a posture that they would not have them thought, to be as they are? I grant, that the Pride, Ambition, and Turbulency of private Men have sometimes caused great Disorders in Commonwealths, and Factions have been fatal to States and Kingdoms. But whether the *mischief* hath *oftner* begun *in the Peoples Wantonness*, and a Desire to cast off the lawful Authority of their Rulers; or *in the Rulers Insolence*, and Endeavours to get, and exercise an Arbitrary Power over their People; whether Oppression, or Disobedience gave the first rise to the Disorder, I leave it to impartial History to determine. This I am sure, whoever, either Ruler or Subject, by force goes about to invade the Rights of either Prince or People, and lays the foundation for *overturning* the Constitution and Frame of *any Just Government*, is guilty of the greatest Crime, I think, a Man is capable of, being to answer for all those mischiefs of Blood, Rapine, and Desolation, which the breaking to pieces of Governments bring on a Countrey. And he who does it, is justly to be esteemed the common Enemy and Pest of Mankind; and is to be treated accordingly.

231. That *Subjects*, or *Foreigners* attempting by force on the Properties of any People, may be *resisted* with force, is agreed on

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7–8 Parallel in the *American Declaration of Independence*, ed. Becker, 1922, 10: 'mankind are more disposed to suffer, while evils are sufferable, than to right themselves'.

32 'is guilty of the greatest Crime'. The 4th edition, 1713, the 1st Collected edition, 1714, and the 6th edition, 1764, all have 'is highly guilty of the greatest Crime', perhaps the reading of the hypothetical second master-copy—see Editorial Note.

36 See II, § 172, 10–19 note and references. The references here, however, may be to a person other than a monarch, and Hinton, 1974, suggests one or other of the ministers of Charles II, or even a subject of Charles I.

all hands. But that *Magiſtrates* doing the same thing, may be *reſiſted*, hath of late been denied: As if those who had the greateſt Priviledges and Advantages by the Law, had thereby a Power to break those Laws, by which alone they were set in a better place than their Brethren: Whereas their Offence is thereby the greater, both as being ungrateful for the greater share they have by the Law, and breaking also that Truſt, which is put into their hands by their Brethren.

232. Whosoever uses *force without Right*, as every one does in Society, who does it without Law, puts himself into a *ſtate of War* with those, againſt whom he so uses it, and in that ſtate all former Ties are cancelled, all other Rights cease, and every one has a *Right* to defend himself, and *to reſiſt the Aggressor*. This is so evident, that *Barclay* himself, that great Assertor of the Power and Sacredness of Kings, is forced to confess, That it is lawful for the people, in some Cases, to *reſiſt* their King; and that too in a Chapter, wherein he pretends to shew that the Divine Law shuts up the people from all manner of Rebellion. Whereby it is evident, even by his own Doctrine, that, since they may in some Cases *reſiſt*, all resiſting of *Princes* is not Rebellion. His Words are these. *Quod siquis dicat, Ergone populus tyrannicæ crudelitati & furori jugulum semper præbebit? Ergo multitudo civitates suas famae ferro, & flammâ vaſtari, seque, conjuges, & liberos fortunæ ludibrio & tyranni libidini exponi, inque omnia vitæ pericula omnesque miserias & moleſtias à Rege deduci patientur? Num illis quod omni animantium generi eſt à naturâ tributum, denegari debet, ut sc. vim vi repellant, seseq; ab injuriâ tueantur? Huic brevitur responsum sit, Populo universo non negari defensionem, quæ juris naturalis eſt, neque ultionem quæ præter naturam eſt adversus Regem concedi debere. Quapropter si Rex non in*

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§ 231 7–10 Compare II, § 202, 26–31.

§ 232 5–7 On Locke's purpose in singling out Barclay for such detailed attention, see note on II, § 239, 16–17. He mentions Filmer's use of this author in I, § 4, 14 and § 67, 29 without comment, but he possessed William Barclay's two major works (*De Regno et Regali Potestati adversus Buchananum, Brutum, Boucherium et reliquos Monarchomachos*, 1600, and *De Potestatae Papae*, 1609, two of the most influential absolutist works, the first being directed in part against the *Vindiciae*) in an edition of 1612 in one volume (H. and L. 203). It was on his shelves in 1681, and on 15 July 1680 he bought a copy for the Earl of Shaftesbury. He noted the book in 1680 (II, § 236, 12 and note) and it seems likely that the passage from this paragraph down to 239 was written in 1681; see II, § 211, chapter XIX.

13–36 Passage on p. 375 of Locke's 1612 edition, inaccurately transcribed by him, with corrections in the errata of the 3rd edition, 1698.

singulares tantum personas aliquot privatum odium exerceat, sed corpus etiam Reipublicæ, cujus ipse caput est, i.e. *totum populum, vel insignem aliquam ejus partem immani & intolerandâ sævitiâ seu tyrannide divexet; populo, quidem hoc casu resistendi ac tuendi se ab injuriâ potestas competit, sed tuendi se tantum, non enim in principem invadendi: & restituendæ injuriæ illatæ, non recedendi à debitâ reverentiâ propter acceptam injuriam. Præsentem denique impetum propulsandi non vim præteritam ulciscendi jus habet. Horum enim alterum à naturâ est, ut vitam scilicet corpusque tueamur. Alterum vero contra naturam, ut inferior de superiori supplicium sumat. Quod itaque populus malum, antequam factum sit, impedire potest, ne fiat, id postquam factum est, in Regem authorem sceleris vindicare non potest: Populus igitur hoc ampliùs quam privatus quisquam habet: Quod huic, vel ipsis adversariis judicibus, excepto Buchanano, nullum nisi in patientia remedium superest. Cùm ille si intolerabilis tyrannis est (modicum enim ferre omnino debet) resistere cum reverentiâ possit*, Barclay *contra Monarchom.* l. 3. *c.* 8.

In *English* thus.

233. *But if any one should ask, Must the People then always lay themselves open to the Cruelty and Rage of Tyranny? Must they see their Cities pillaged, and laid in ashes, their Wives and Children exposed to the Tyrant's Lust and Fury, and themselves and Families reduced by their King, to Ruine and all the Miseries of Want and Oppression, and yet sit still? Must Men alone be debarred the common Priviledge of opposing force with force, which Nature allows so freely to all other Creatures for their preservation from Injury? I Answer: Self-defence is a part of the Law of Nature; nor can it be denied the Community, even against the King himself: But to revenge themselves upon him, must by no means be allowed them; it being not agreeable to that Law. Wherefore if the King shall shew an hatred, not only to some particular Persons, but sets himself against the Body of the Commonwealth, whereof he is the Head, and shall, with intolerable ill usage, cruelly tyrannize over the whole, or a considerable part of the People; in this case the People have a right to resist and defend themselves from injury: But it must be with this Caution, that they only defend themselves, but do not attack their Prince: They may repair the Damages received, but must not for any provocation exceed the bounds of due Reverence and Respect. They may repulse the present attempt, but must not revenge past violences. For it is natural for us to defend Life and Limb, but that an Inferiour should*

punish a Superiour, is againſt Nature. The miſchief which is deſigned them, the People may prevent before it be done, but when it is done, they muſt not revenge it on the King, though Author of the Villany. This therefore is the Priviledge of the People in general, above what any private Perſon hath; That particular Men are allowed by our Adverſaries themſelves, (Buchanan *only excepted*) *to have no other Remedy but Patience; but the Body of the People may with Reſpect reſiſt intolerable Tyranny; for when it is but moderate, they ought to endure it.*

234. Thus far that great Advocate of Monarchical Power allows of *Reſiſtance.*

235. 'Tis true he has annexed two Limitations to it, to no purpoſe:

Firſt, He says, it muſt be with Reverence.

Secondly, It muſt be without Retribution, or Punishment; and the Reason he gives, is, *Becauſe an Inferiour cannot punish a Superiour.*

Firſt, How to *reſiſt Force without ſtriking again*, or how to *ſtrike with Reverence*, will need some Skill to make intelligible. He that ſhall oppoſe an Aſſault only with a Shield to receive the Blows, or in any more Reſpectful Poſture, without a Sword in his hand, to abate the Confidence and Force of the Aſſailant, will quickly be at an end of his *Reſiſtance*, and will find such a defence serve only to draw on himself the worse usage. This is as ridiculous a way of *reſiſting*, as *Juvenal* thought it of fighting; *ubi tu pulſas, ego vapulo tantum.* And the Success of the Combat will be unavoidably the same he there describes it:

> ——*Libertas pauperis hæc eſt:*
> *Pulſatus rogat, & pugnis concisus, adorat,*
> *Ut liceat paucis cum dentibus inde reverti.*

This will always be the event of such an imaginary *Reſiſtance*, where Men may not ſtrike again. He therefore *who may reſiſt, muſt be allowed to ſtrike.* And then let our Author, or any Body else joyn a Knock on the Head, or a Cut on the Face, with as much *Reverence* and *Reſpect* as he thinks fit. He that can Reconcile Blows

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§ 235 13–19 Juvenal, *Satires*, III, 289–90, 299–301: 'I writhe with the blows you put upon me.... This is a poor man's freedom; the more he is beaten, the more he implores, and he proſtrates himself as he goes down in the struggle, so that he may come back a little with his teeth.'

and Reverence, may, for ought I know, deserve for his pains, a Civil Respectful Cudgeling where-ever he can meet with it.

Secondly, As to his Second, *An Inferiour cannot punish a Superiour*; that's true, generally speaking, whilst he is his Superiour. But to resist Force with Force, being *the State of War* that *levels the Parties*, cancels all former relation of Reverence, Respect, and *Superiority*: And then the odds that remains, is, That he, who opposes the unjust Aggressor, has this *Superiority* over him, that he has a Right, when he prevails, to punish the Offender, both for the Breach of the Peace, and all the Evils that followed upon it. *Barclay* therefore, in another place, more coherently to himself, denies it to be lawful to *resist* a King in any Case. But he there assigns Two Cases, whereby a King may Un-king himself. His Words are,

Quid ergo nulline casus incidere possunt quibus populo sese erigere atque in Regem impotentius dominantem arma capere & invadere jure suo suâque authoritate liceat? Nulli certe quamdiu Rex *manet. Semper enim ex divinis id obstat*, Regem honorificato; & qui potestati resistit, Dei ordinationi resistit: *Non aliàs igitur in eum populo potestas est quam si id committat propter quod ipso jure rex esse desinat. Tunc enim se ipse principatu exuit atque in privatis constituit liber: Hoc modo populus & superior efficitur, reverso ad eum sc. jure illo quod ante regem inauguratum in interregno habuit. At sunt paucorum generum commissa ejusmodi quæ hunc effectum pariunt. At ego cum plurima animo perlustrem, duo tantum invenio, duos, inquam, casus quibus rex ipso facto ex* Rege *non regem se facit & omni honore & dignitate regali atque in subditos potestate destituit; quorum etiam meminit* Winzerus. *Horum unus est, Si regnum [& rempublicam evertere conetur, hoc est, si id ei propositum, eaque intentio fuerit ut] disperdat, quemadmodum de* Nerone *fertur, quod is nempe senatum populumque* Romanum, *atque adeo urbem ipsam ferro flammaque vastare, ac novas sibi sedes quærere decrevisset. Et de Caligula, quod palam denunciarit se neque civem neque principem senatui amplius fore, inque animo habuerit, interempto utrisque ordinis Electissimo quoque* Alexandriam *commigrare, ac ut populum uno ictu interimeret, unam ei cervicem optavit. Talia cum rex*

38–61 and § 236 Locke's 1612 edition, 440–1, badly transcribed and also amended in errata to 3rd edition: the words '*& rempublican . . . fuerit*' (51–52) omitted in the printed editions, though translated by Locke.

51 'Winzerus'—miscopy for Winzetus, that is, Ninian Winzet, Winget or Wingate, Scottish controversialist, who wrote against Knox and Buchanan. Locke had obviously never heard of him.

aliquis meditatur & molitur serio, omnem regnandi curam & animum illico abjicit, ac proinde imperium in subditos amittit, ut dominus servi pro derelicto habiti, dominium.

236. *Alter casus est, Si rex in alicujus clientelam se contulit, ac regnum quod liberum à majoribus & populo traditum accepit, alienæ ditioni mancipavit. Nam tunc quamvis forte non eâ mente id agit populo plane ut incommodet: Tamen quia quod præcipuum est regiæ dignitatis amisit, ut summus scilicet in regno secundum Deum sit, & solo Deo inferior, atque populum etiam totum ignorantem vel invitum, cujus libertatem sartam & tectam conservare debuit, in alterius gentis ditionem & potestatem dedidit; hâc velut quadam regni ab alienatione effecit, ut nec quod ipse in regno imperium habuit retineat, nec in eum cui collatum voluit, juris quicquam transferat; atque ita eo facto liberum jam & suæ potestatis populum relinquit, cujus rei exemplum unum annales Scotici suppeditant.* Barclay contra Monarchom. Lib. 3. c. 16.

Which in *English* runs thus.

237. *What then, Can there no Case happen wherein the People may of right, and by their own Authority help themselves, take Arms, and set upon their King, imperiously domineering over them? None at all, whilst he remains a King.* Honour the King, *and* he that resists the Power, resists the Ordinance of God; *are Divine Oracles that will never permit it. The People therefore can never come by a Power over him, unless he does something that makes him cease to be a King. For then he divests himself of his Crown and Dignity, and returns to the state of a private Man, and the People become free and superiour; the Power which they had in the* Interregnum, *before they Crown'd him King, devolving to them again. But there are but few miscarriages which bring the matter to this state. After considering it well on all sides, I can find but two. Two Cases there are, I say, whereby a King,* ipso facto, *becomes no King; and loses all Power and Regal Authority over his People; which are also taken notice of by* Winzerus.

The first is, If he endeavour to overturn the Government, that is, if he have a purpose and design to ruine the Kingdom and Commonwealth,

§ 236 12 This reference to Barclay appears on p. 73 of Locke's *Tablet* (MS. f. 28—see note on 11, § 22, 9 and references) thus:

80

Liberty
Barclay l 3 c 16

The 80 is certainly intended for 1680, and probably marks this passage as belonging to that year.

as it is recorded of Nero, *that he resolved to cut off the Senate and People of* Rome, *lay the City waste with Fire and Sword, and then remove to some other place. And of* Caligula, *that he openly declar'd, that he would be no longer a Head to the People or Senate, and that he had it in his thoughts to cut off the worthiest Men of both* Ranks, *and then retire to* Alexandria: *And he wish'd that the People had but one Neck, that he might dispatch them all at a blow. Such designs as these, when any King harbours in his thoughts and seriously promotes, he immediately gives up all care and thought of the Common-wealth; and consequently forfeits the Power of Governing his Subjects, as a Master does the Dominion over his Slaves whom he hath abandon'd.*

238. *The other Case is, When a King makes himself the dependent of another, and subjects his Kingdom which his Ancestors left him, and the People put free into his hands, to the Dominion of another. For however perhaps it may not be in his intention to prejudice the People; yet because he has hereby lost the principal part of* Regal Dignity, viz. *to be next and immediately under God, Supream in his Kingdom; and also because he betray'd or forced his People, whose liberty he ought to have carefully preserved, into the Power and Dominion of a Foreign Nation. By this as it were alienation of his Kingdom, he himself loses the Power he had in it before, without transferring any the least right to those on whom he would have bestowed it; and so by this act sets the People free, and leaves them at their own disposal. One Example of this is to be found in the* Scotch *Annals.*

239. In these Cases *Barclay* the great Champion of Absolute Monarchy, is forced to allow, That a King may be *resisted*, and *ceases to be a King.* That is in short, not to multiply Cases: In whatsoever he has *no Authority*, there he is no *King*, and may be *resisted*: For *wheresoever the Authority ceases, the King ceases too*, and becomes like other Men who have no Authority. And these two Cases he instances in, differ little from those above mention'd, to be destructive to Governments, only that he has omitted the Principle from which his Doctrine flows; and that is, The breach of trust, in not preserving the Form of Government agreed on, and in not intending the end of Government it self, which is the publick good and preservation of Property. When a King has Dethron'd himself, and put himself in a state of War with his

§ 239 7 'those above mention'd'—presumably in §§ 212–24, especially § 217.

People, what shall hinder them from prosecuting him who is no King, as they would any other Man, who has put himself into a State of War with them; *Barclay*, and those of his Opinion, would do well to tell us. This farther I desire may be taken notice of out of *Barclay*, that he says, *The mischief that is designed them, the People may prevent before it be done*, whereby he allows *resistance* when Tyranny is but in design. *Such Designs as these* (says he) *when any King harbours in his thoughts and seriously promotes, he immediately gives up all care and thought of the Common-wealth*; so that according to him the neglect of the publick good is to be taken as an evidence of such a *design*, or at least for a sufficient cause of *resistance*. And the reason of all he gives in these words, *because he betray'd or forced his People whose liberty he ought carefully to have preserved.* What he adds *into the Power and Dominion of a Foreign Nation*, signifies nothing, the fault and forfeiture lying in the loss of their *Liberty* which he *ought to have preserved*, and not in any distinction of the Persons to whose Dominion they were subjected. The People's Right is equally invaded, and their Liberty lost, whether they are made Slaves to any of their own, or a *Foreign Nation*; and in this lies the injury, and against this only have they the Right of Defence. And there are instances to be found in all Countries, which shew that 'tis not the change of Nations in the Persons of their Governours, but the change of Government, that gives the Offence. *Bilson*, a Bishop of our Church, and a great Stickler for the Power and Prerogative of Princes, does, if I mistake not, in his Treatise of *Christian Subjection*, acknowledge, That *Princes may*

16–17 Those of Barclay's opinion include Bilson and perhaps even Hooker (see below), and it is clear that Locke has picked out Barclay as typical of the whole absolutist school, insisting on his concessions to resistance. Grotius had done this as early as 1625 in his *De Jure Belli*, where (I, iv, 11) he cites the passage quoted in full by Locke in § 232. Mr Salmon shows (1959) that the example was followed by a considerable number of writers who insisted on Barclay's admissions as justifying action against despots, such men as Samuel Rutherford, William Prynne, John Canne, Richard Baxter, Pierre Jurieu and James Tyrrell (*Bibliotheca Politica*, 1691–2, 1718 ed., 106, printing the identical passage as in § 233, but differently translated). It is clear, then, that Locke was merely following a well-established convention, but he dealt more thoroughly with Barclay than anyone else. Although he was quoted in the political literature of 1689, Barclay's name is more typical of the period of Filmer, both in the 1640's and the early 1680's.

17–37 Passage inserted in 1694 and typical of the way Locke expanded his text, making it very difficult to distinguish original and addition. Compare II, § 217.

forfeit their Power, and their Title to the Obedience of their Subjects; and if there needed authority in a Case where reason is so plain, I could send my Reader to *Bracton*, *Fortescue*, and the Author of the Mirrour, and others; Writers, who cannot be suspected to be ignorant of our Government, or Enemies to it. But I thought *Hooker* alone might be enough to satisfie those Men, who relying on him for their Ecclesiastical Polity, are by strange fate carried to deny those principles upon which he builds it. Whether they are herein made the Tools of Cunninger Workmen, to pull down their own Fabrick, they were best look. This I am sure, their Civil Policy is so new, so dangerous, and so destructive to both Rulers and People, that as former Ages never could bear the broaching of it; so it may be hoped those to come, redeem'd from the Impositions of those *Egyptian* Under-Taskmasters, will abhor the Memory of such servile Flatterers, who whilst it seem'd to serve their turn, resolv'd all Government into absolute Tyranny, and would have all Men born to, what their mean Souls fitted them for, Slavery.

240. Here, 'tis like, the common Question will be made, *Who shall be Judge* whether the Prince or Legislative act contrary to their

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§ 239 37–9 Thomas Bilson (1547–1616, Warden of Winchester College, bishop successively of Worcester and Winchester), *The True Difference between Christian Subiection and Unchristian Rebellion*, 1585. This book was often quoted by the opponents of absolutism, for exactly the same reason as Barclay was and frequently alongside of him (by Prynne, for example)—because though an absolutist he admitted resistance in crucial cases. Locke does not seem to have possessed Bilson's book, and the form of words here implies that he did not know it first-hand.

42–3 '*Bracton*'—the judge (d. 1268) and author of *De Legibus et Consuetudinibus Angliae*. '*Fortescue*'—Sir John Fortescue (1394?–1476?), Lord Chief Justice and author of *De Laudibus Legum Angliae*. 'the Author of the Mirrour', perhaps Andrew Horne (d. 1328), author of a work very popular with constitutionalists in the seventeenth century, but a highly suspect source, *The Booke called The Mirrour of Justices*, printed in the 1640s. Compare note on II, § 13, 1–2. Locke recommended Bracton and the Mirror in his *Thoughts on Reading and Study*, 1703, and his letter to Rev. Richd. King, 170 (*Works*, 1801, III, 272; XI, 306): in his *Education* (*ibid.* IX, 177) he requires a gentleman to 'take a view of our English constitution, in the ancient books of the common law'. There is, however, no evidence that he ever possessed or read any one of these books, a fact which bears on his indifference to constitutional history and constitutional development; see Introduction, 77 and note.

45 '*Hooker*'—see note on II, § 5, 7–23: this sentence indicates that the paragraph was written when, or not long after, Locke had decided to add the quotations from Hooker, perhaps in 1681; see note on II, § 211, chapter XIX.

§ 240 1–2 '*Who shall be Judge*'—see II, § 168, 1–2, note and references. This question occupies Locke until the end of the book, and the passage seems to have been part of the original text, perhaps following on to § 231, but much modified and extended in 1689—see note on II, § 211, chapter XIX.

Trust? This, perhaps, ill affected and factious Men may spread amongst the People, when the Prince only makes use of his due Prerogative. To this I reply, *The People shall be Judge*; for who shall be *Judge* whether his Trustee or Deputy acts well, and according to the Trust reposed in him, but he who deputes him, and must, by having deputed him have still a Power to discard him, when he fails in his Trust? If this be reasonable in particular Cases of private Men, why should it be otherwise in that of the greatest moment; where the Welfare of Millions is concerned, and also where the evil, if not prevented, is greater, and the Redress very difficult, dear, and dangerous?

241. But farther, this Question, (*Who shall be Judge?*) cannot mean, that there is no Judge at all. For where there is no Judicature on Earth, to decide Controversies amongst Men, *God* in Heaven is *Judge*: He alone, 'tis true, is Judge of the Right. But *every Man* is *Judge* for himself, as in all other Cases, so in this, whether another hath put himself into a State of War with him, and whether he should appeal to the Supreme Judge, as *Jephtha* did.

242. If a Controversie arise betwixt a Prince and some of the People, in a matter where the Law is silent, or doubtful, and the thing be of great Consequence, I should think the proper *Umpire*, in such a Case, should be the Body of the *People*. For in Cases where the Prince hath a Trust reposed in him, and is dispensed from the common ordinary Rules of the Law; there, if any Men find themselves aggrieved, and think the Prince acts contrary to, or beyond that Trust, who so proper to *Judge* as the Body of the *People*, (who, at first, lodg'd that Trust in him) how far they meant it should extend? But if the Prince, or whoever they be in the Administration, decline that way of Determination, the Appeal then lies no where but to Heaven. Force between either Persons, who have no known Superiour on Earth, or which permits no Appeal to a Judge on Earth, being properly a State of War, wherein the Appeal lies only to Heaven, and in that State the *injured Party must judge* for himself, when he will think fit to make use of that Appeal, and put himself upon it.

243. To conclude, The *Power that every individual gave the Society*, when he entered into it, can never revert to the Individuals

§ 241 7 '*Jephtha*'—see note on 11, § 21, 17 and references.

again, as long as the Society lasts, but will always remain in the Community; because without this, there can be no Community, no Common-wealth, which is contrary to the original Agreement: So also when the Society hath placed the Legislative in any Assembly of Men, to continue in them and their Successors, with Direction and Authority for providing such Successors, *the Legislative can never revert to the People* whilst that Government lasts: Because having provided a Legislative with Power to continue for ever, they have given up their Political Power to the Legislative, and cannot resume it. But if they have set Limits to the Duration of their Legislative, and made this Supreme Power in any Person, or Assembly, only temporary: Or else when by the Miscarriages of those in Authority, it is forfeited; upon the Forfeiture of their Rulers, or at the Determination of the Time set, *it reverts to the Society*, and the People have a Right to act as Supreme, and continue the Legislative in themselves, or erect a new Form, or under the old form place it in new hands, as they think good.

FINIS.

§ 243 19–21 Modified slightly by Locke. The reference to 'new hands', and perhaps much or even all of §§ 242, 243, seem to belong to 1689.

INDEX

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